



DUKE  
UNIVERSITY  
LIBRARY

*Treasure Room*

GIFT OF  
New Hampshire  
State Library





JOURNAL

181025

OF THE

SENATE OF TEXAS,

[EXTRA SESSION]

OF THE

THE STATE

LEGISLATURE

EIGHTH LEGISLATURE

---

By Authority.

---

AUSTIN:

PRINTED BY JOHN MARSHALL, STATE PRINTER.  
1861.

ЗТАГНІ  
УЯВИ :

# JOURNAL.

---

MONDAY, January 21st, 1861.

The Senate met in extraordinary session in pursuance of the Proclamation of the Governor. The President in the chair.

The roll of Senators being called, the following Senators answered to their names :

Messrs. Britton, Chambers, Duggan, Erath, Fall, Grimes, Guinn, Hart, Herbert, Hyde, Lott, Martin, Parsons, Paschal, Potter, Quinan, Rains, Shepard, Stockdale, Throckmorton, Townes and Whaley.

Quorum present.

Mr. Whaley presented the credentials of S. A. Miller, Senator elect to fill the vacancy occasioned in the 12th Senatorial District by the resignation of Hon. A. T. Rainey. Whereupon Mr. Miller took the oath of office and his seat.

On motion of Mr. Britton, a committee was appointed to inform the House, that the Senate was organized and ready to proceed to business.

Messrs. Britton, Parsons and Throckmorton, were appointed said committee.

Mr. Guinn announced a vacancy in the office of Engrossing Clerk, of the Senate.

Mr. Hyde moved that the Senate go into an election for said office—laid on the table.

Mr. Guinn announced a vacancy in the office of Door-keeper of the Senate.

On motion of Mr. Lott, the Senate proceeded to an election of Door-keeper.

Messrs. Lott and Guinn were appointed tellers.

Nominations being in order, Mr. Grimes nominated Mr. Joseph Mangum.

Mr. Erath nominated Mr. William H. Wheelock.

Mr. Rains nominated Mr. S. M. Cain.

Mr. Martin nominated Mr. C. A. Hopkins.

On the first ballot, Mr. Mangum received four votes, Mr. Cain four votes, Mr. Wheelock seven votes, Mr. Hopkins eight.

No one candidate having received a majority of the votes cast, the Senate proceeded to a second ballot, when

Mr. Mangum received one vote, Mr. Cain two votes, Mr. Wheelock eleven votes, Mr. Hopkins eight votes.

There being no election, the Senate proceeded to a third ballot, when

Mr. Grimes withdrew the name of Mr. Mangum.

Mr. Cain received four votes, Mr. Wheelock ten votes, Mr. Hopkins nine votes.

There still being no election a fourth ballot was taken which resulted as follows:

Mr. Cain received three votes, Mr. Wheelock twelve votes, Mr. Hopkins eight votes.

Mr. Wheelock having received a majority of the votes cast, was declared duly and constitutionally elected Door-keeper of the Senate, came forward and took the oath prescribed by the Constitution.

A committee of the House informed the Senate that the House was organized and ready to proceed to business.

On motion of Mr. Hyde, the Senate proceeded to the election of Chaplain.

Mr. Lott nominated the Rev. Mr. Thomas.

There being no other nomination, on motion of Mr. Erath, Mr. Thomas was declared elected by acclamation.

Mr. Hart moved the appointment of a committee to act in conjunction with a like committee on the part of the House to wait upon the Governor and inform him of the organization of both branches of the Legislature, and their readiness to receive any communication he might wish to make.

Messrs. Hart, Miller and Martin were appointed said committee, who retired and after a short absence reported that the Governor would communicate to the two houses in the Representative Hall on to-morrow at 12 o'clock, M.

On motion of Mr. Hart the Senate adjourned until 11 o'clock, A. M., to-morrow.

TUESDAY, January 22nd, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday read and adopted.

Mr. Britton presented the memorial of Wm. H. Jones, administrator of Lorenzo de Zavala. Referred to the Committee on Public Debt.

Mr. Grimes presented the memorial and proceedings of sundry citizens of Montgomery county. Referred to committee on State Affairs.

Mr. Shepard presented the memorial of sundry citizens of Washington county. Referred to the committee on Military Affairs.

Mr. Potter introduced a bill in relation to the procurement of money due by the United States, to the State of Texas. Read first time; rule suspended, read second time. Mr. Throckmorton moved to refer to committee on finance. Lost. Bill then ordered to be engrossed. On motion of Mr. Potter, rule further suspended, read third time and passed.

Mr. Throckmorton introduced a bill to give additional time for holding the courts in the 20th Judicial District, and to change the time of holding courts in certain counties in said District. Read first and second times and referred to the committee on the Judiciary.

Mr. Potter introduced a bill for the relief of Houston and Texas Central Railway Company. Read first and second times and referred to the committee on Internal Improvements.

Mr. Shepard introduced a bill for the relief of the Air Line Railroad Company. Read first and second times and referred to the committee on Internal Improvements.

Mr. Potter offered the following resolution:

*Resolved*, That J. Pat Henry, Enrolling Clerk of the Senate, in addition to his duties as such Enrolling Clerk, shall also discharge the duties of and sign as Engrossing Clerk of this body until otherwise ordered by the Senate, and the Second Assistant Secretary of the Senate shall assist in the discharge of said duties. Adopted.

Mr. Lott offered the following resolution:

*Resolved*, That the Committee on Judiciary be respectfully requested to enquire into the expediency of passing a law restraining Officers, and extending the time for the payment of debts, &c. Adopted.

The President of the Senate announced that Senator Miller was placed upon the committee on the Judiciary, the committee

on Finance, the committee on Public Debt and the committee on the Militia.

On motion of Mr. Britton, the Senate took a recess until 5 minutes to 12 o'clock M.

The recess having expired, the Senate was called to order.

A message was received from the House, informing the Senate that the House had passed a joint resolution repealing the joint resolution in response to the Governor's message on Kansas affairs approved, February 17th, 1858, which, on motion of Mr. Parsons, was taken up and read first time. On further motion of Mr. Parsons, the rule was suspended and bill read second time. Mr. Throckmorton moved to refer the bill to committee on State affairs. Lost. The question being on the passage of the bill to a third reading, was put and carried.

On motion of Mr. Lott, the rule was further suspended—bill read third time and passed.

A committee from the House announced the House in waiting to receive the Senate for the purpose of hearing the message of the Governor.

On motion of Mr. Potter, the Senate proceeded to the Representative Hall.

#### IN JOINT SESSION.

Roll called—quorum present. The message of the Governor was then read, and is as follows :

EXECUTIVE DEPARTMENT, }  
Austin, January 21, 1861. }

GENTLEMEN OF THE SENATE

AND HOUSE OF REPRESENTATIVES :

You have been convened in extra session, in view of the unsettled condition of our national affairs, the continued invasion of our frontier by Indians and the embarrassed condition of the Treasury. To these subjects alone, your intention will be invited; and it is hoped that only those which are incident to these will meet your consideration.

The defence of the State being a paramount object, the Executive will first press the necessity of providing for the same upon your consideration.

When the Executive came into office, the frontier was entirely unguarded except by the Federal troops. The Indians unrestrained by the presence of rangers, embraced the favorable opportunity, and gained a foot-hold in the country; and ere their presence was known, and means could be adopted to repel them, commenced a series of depredations, which struck terror to the settlements. Their savage work was not confined to the frontier

alone ; but extended to counties within fifty miles of the Capitol. Although not apprized of this state of things, the Executive had made such provisions for the defence of the frontier as seemed necessary. On the 26th of December, a few days after his inauguration, an order was issued to Captain W. C. Dalrymple, of Williamson county, to raise a company of 60 men, rank and file. This was followed by orders of the same character to Capt. Ed. Burleson, of Hays, and to Capt. John H. Conner, of Travis, on the 4th and 13th of January. These companies were ordered to such points as would enable them to carry our the orders given them to "give the greatest amount of protection to the frontier inhabitants."

Had the frontier not been entirely abandoned to the Indians for months previous to his inauguration, these companies would have sufficed to prevent any concerted and extensive movement against the settlements, on the part of the Indians ; but they were already secreted in the country. Intelligence having reached the Executive, that numerous small parties of Indians were ravaging the line of settlements beyond Bell county, but yet not on the extreme frontier ; orders were issued on the 13th of February, to Lieut. White, of Bell, Salmon of Bosque, and Walker, of Erath county, to raise each, a detachment of twenty-five men, to range in, and give defence to the counties of Coryell, Hamilton, Comanche, Erath, Eastland and Palo Pinto. These detachments were soon in the field, with orders to exercise every energy to give the frontier protection and security.

Authentic accounts of depredations still coming in, the Executive, on the 21nd of February, sent to the various frontier counties, a letter authorizing the citizens of each county to raise a minute company of not more than twenty men, who should look to the next Legislature for payment ; and to more effectually ensure the presence of these minute companies in the field, a general order was issued on the 9th of March, by which the Chief Justice of each county was instructed to organize immediately, a minute company of fifteen men, to whom the following orders were given :

"The detachments will immediately take the field, and enter upon active scents, affording protection to the inhabitants of their respective counties. When an Indian trail is found, it must be diligently followed, and if the sign indicates a larger party of Indians than he is able to cope with, he will call not exceeding ten men to his aid."

The Lieutenant commanding each detachment or minute company, was authorized to purchase necessary supplies, and where

it was possible to do so, they were sent forward by the Executive.

Under this order, minute companies of fifteen men each, were mustered into service in the following counties :

Lieut. Scanland, Montague ; Lieut. Isbell, Wise ; Lieut. Cochran, Young ; Lieut. Jones, Palo Pinto ; Lieut. Stevens, Eastland ; Lieut. Lowe, Erath ; Lieut. Price, Comanche ; Lieut. Nelson, Bosque ; Lieut. Gentry, Hamilton ; Lieut. Font le Roy, Coryell ; Lieut. Cowan, Llano ; Lieut. Wood, San Saba, Lieut. Hughes, Lampasas ; Lieut. Lewis, Mason ; Lieut. O'Hair, Burnet ; Lieut. Franzelin, Gillespie ; Lieut. Balentyne, Bandera ; Lieut. McFadden, Kerr ; Lieut. Kennedy, Uvalde ; Lieut. Patton, Blanco ; Lieut. Brown, Bexar ; Lieut. Watkins, Medina, Lieut. Ragsdale, Frio.

In addition to putting this force of minute men in the field, the Executive, in order to enable the frontier citizens to more successfully defend themselves, purchased and distributed through the frontier counties, one hundred Colt's Revolvers, which, with a number of revolvers, rifles and muskets, were sent forward.—Ammunition was also supplied to the minute companies.

To provide for the defence of the settlements beyond San Antonio, an order was issued on the 5th of March, to Capt. Peter Tomlinson, of Atascosa county, to raise forty-eight men, to whom were assigned the range between the Frio and the Rio Grande. Captain Tomlinson was mustered into service on the 20th of March.

It will thus be seen, that up to this period, the Executive had called into service a ranging force of 720 men, which might be increased upon an emergency to 950. The greater part of this force was then in active service ; and as a result, the Indians disappeared from the settlements. The monthly reports of the officers commanding the minute men, now on file in the Executive office, attest this fact. The minute companies of fifteen men were kept in service until the 18th of May, when there being no longer a pressing necessity for their presence in the field, they were disbanded, subject to be called out at any moment, by order of the Chief Justice of their county.

Before, however, these forces could be brought to bear on the settlements, many murders had been committed and a large number of horses stolen. With a view of avenging these outrages and the recovery of the property of our citizens, the Executive determined to send against the Indians a force sufficient to discover their hiding places, and accomplish these objects. It has long been the opinion of the Executive, that the horses sto-

len from us are herded at some central point between our settlements and the trading posts where they are sold ; and that from this point, stealing parties strike for our settlements, leaving others in charge of the animals already taken. To punish these Indians as well as to ferret out the parties who purchase our horses from them, required an able force, and was a work requiring much time and privation. The duty of raising troops for this expedition, was assigned to Col. M. T. Johnson, of Tarrant county, to whom was issued orders on the 17th of March, to raise a sufficient number of mounted Rangers, to "repel, pursue and punish the Indians now ravaging the North and North-western settlements of Texas, with full liberty to dispose of the force under your (his) command at your (his) discretion."

In pursuance of this order, Col. Johnson raised five companies of Rangers of 83 men, commanded by Capts. Smith, of McLennan; Darnell, of Dallas; Woods, of Fannin; Fitzhugh, of Collin, and Johnson, of Tarrant. These rendezvoused at Fort Belknap, where they were joined by the two companies under command of Capts. Ed. Burleson and W. C. Dalrymple, and on the 23d of May the expedition started for the Indian country.

The several reports of Col. Johnson to be submitted, will furnish a full statement of the progress of the expedition. A portion of the troops were ordered back by Col. Johnson from Old Fort Radsmanske the 30th of July. The others penetrated the Indian country beyond the line of Kansas, and after enduring many privations, returned to Fort Belknap where they were disbanded by order of the Executive.

Although no Indian depredations were at that time reported, the Executive, to guard against their repetition, ordered Capt. L. S. Ross to McLennan, on the 11th of September, to raise a company of 70 men and to take his station beyond Fort Belknap, where he arrived on the 17th of October.

On the 6th of December, information reached the Executive of the most appalling outrages committed by the Indians in Jack and Parker counties. Orders were immediately sent forward to Capts. Thos. Stocton, of Young, and James Barry, of Bosque county, to raise each 24 men and proceed to co-operate with Capt. Ross in protecting the settlements. These troops did not then enter the service ; but on the 17th of December, an order was issued to Capt. A. B. Burleson to raise 70 men, which was followed by orders to Capt. E. W. Rogers, of Ellis, on the 26th of December, and to Capt. Thomas Harrison, of McLennan, on the 2nd of January, to raise each 70 men, all of whom have now gone forward to Fort Belknap, where Col. W. C. Dalrymple, of

Williamson county, acting under commission, as Aid de Camp to the Executive, has been ordered to repair, to effect an organization of the troops and to devise means for their efficiency.

It affords the Executive pleasure to state that the Indians who committed the late depredations in Jack and Parker counties, have been overtaken and killed by a force under command of Captain Ross, whose report will be submitted.

The Executive, to support and render efficient the force which he has had from time to time in the field, has had no money at his command except the University Fund, amounting to \$106,992 26, which was by special act of the Legislature authorized to be used for purposes of Frontier defence. It was his opinion that the Legislature intended that this fund should be used alone for the defence of the Indian frontier and not for the payment of claims on account of the war upon the Rio Grande. The troubles upon the Rio Grande, although speedily settled after the arrival of the Commissioners sent by the Executive, cost the State an amount far beyond the estimate of the Legislature, and when claims were presented for supplies furnished troops, the Executive did not believe the money should be drawn from the University Fund and expressed his views in that respect to the Comptroller. That fund was the sole dependence of the Executive for the purchase of supplies to keep troops in the field. A considerable sum was paid, however, from the fund for debts contracted during the Rio Grande war. This reduced the amount which might be used to defend the frontier to \$76,937,73, which has been exhausted. The Executive however, kept troops continually in the field and until the present time supplied them, with the exception of the minute companies called out in each county. Not a dollar has been at his command for months. Deprived of money to purchase supplies and with the fact before him that Treasury Warrants were already selling at a heavy discount, the Executive might well have thrown upon others the responsibility of abandoning the frontier and left the people to defend themselves. But neither this, nor the fact that many have continually denounced and misrepresented his efforts made in behalf of the frontier, have caused him to forego his exertions. On the contrary, they have been redoubled. At such periods, a man true to the obligations of his station and the instincts of humanity, should alike rise superior to the obstacles impeding his pathway and the petty considerations of chagrin and disappointment, at the conduct of those who maligned and censured him; and it is a satisfaction to the Executive now to know, that the first who have received the undoubted evidences

of the determination and the ability of the troops sent forward by him, to defend them, are those who have been foremost in their efforts to thwart his endeavors. Finding that it was impossible to purchase any adequate amount of supplies on the credit of the State, the Executive in two communications dated the 8th of November and 7th of January, suggested to the State Treasurer, the propriety of using for purposes of frontier defence, the amount in the Treasury on account of University Land sales; but the opinion of that officer was adverse to the proposition, and that fund amounting to \$34,708 14 still remains in the Treasury.

The Executive, believing that the Legislature would not repudiate a pledge made under such circumstances, procured of Mr. S. M. Swenson, two months supply of rations, with a guarantee that the same should be paid as soon as your honorable body met. This supply will be exhausted by the time more can be sent forward, and to your earnest consideration the matter is commended.

It will be seen from the plain statement of facts given above, that from the time of his inauguration, up to the present time, the Executive has devoted all the energies at his command to the defense of the frontier. He has called into service a number of the most experienced ranging officers in the State and given them troops obtained in counties capable of furnishing the best Indian fighters in the world. Not only in the number, but in the equipment of the troops, the means he has adopted for frontier defense have been adequate to more than the reasonable expectation of the country. Besides these, he has provided every county with a minute company for its own defense, formed of its own citizens. If these endeavors have not sufficed to protect the country, no exertions which he could have made, would have done so.

In March last, the Executive tendered to the Secretary of War of the United States, 5000 Texian volunteers to aid in defense of the frontier. The offer was declined. Efforts have been made to induce Congress to pass a bill authorizing the calling of such a force into the field; but they have been thus far unsuccessful. The Federal Government has, however, from time to time sent re-inforcements of the regular army to Texas, until the entire force on our border comprises about one-fifth of our entire army. These prevent the invasion of our soil of any numerous body of Indians, and occasionally intercept small stealing parties; but to entirely check the latter, a more active force is necessary, which should be constantly employed in scouting the country.

The militia act passed by the last Legislature was found by the Executive to contain conflicting provisions, which prevented its being put in operation. The necessity of rendering it entirely practicable, is respectfully presented to the Legislature.

According to the estimates made, which were laid before the Legislature, the ordinary expenses of government exceeded per annum the amount received from revenue.

The extraordinary expense arising from the construction of the Insane Asylum and other causes, as well as the balances due from former years' have greatly increased this deficiency, and as a consequence, the Treasury is now without means to defray the expenses of government for the present year.

The Executive has endeavored, so far as the law give him control, to reduce the expenditures of Government to an economical basis; but his power is extremely limited, and his endeavors in this respect have of course been governed by the appropriations made by the Legislature.

The Executive deemed it his duty on the 8th of February, 1860, to send a special message to the Legislature, showing the condition of the Treasury, and urging the adoption of such measures as would prevent its embarrassment. There remained in the Treasury, on the 1st day of February, but \$219,000, against which stood the amount due on account of appropriations made by the present and previous Legislatures, estimated at \$508,582 74. To show the rapid depletion which followed, it may be stated that the State Treasurer, on the 15th of February, reported but \$232,903 21 in the Treasury, which included the University Fund, amounting to \$109,472 26. There was therefore, to sustain the civil list, but \$123,430 95. The balance still due on appropriations were to be paid, and the Government to be sustained until the whole revenue come in, which was estimated by the Comptroller to be \$343,447 95.

In presenting the condition of the Treasury to your honorable body, the Executive urged the necessity of increased taxation. The Legislature, however, did not second his views, and an act was passed in lieu thereof, providing for the payment of interest on treasury warrants. Much difficulty was experienced in putting this act into operation, and the Comptroller did not consent until the 1st of June, to issue the warrants. Since that period they have been issued for all claims for rangers pay, and since the University Fund has been exhausted, for other claims connected with the frontier service, where parties would take them.

No one could have more regretted the delay in putting this

law into execution, than the Executive. It was a measure calculated to sustain the faith and credit of the State ; and it has done so to a material extent. The warrants were purchased at from 85 to 95 cents on the dollar, the purchasers relying for payment on the collection of the money due by the Federal Government to Texas, for expenses incurred in defending the frontier ; and it was not until the prospect of obtaining that money was understood to be uncertain, that they depreciated to any great extent. At present there is scarcely any demand for them, even at a ruinous discount.

The Legislature will at once see the necessity of providing means for the redemption of the warrants, with the interest. Not only the holders of those already issued, but a large number of rangers yet to be paid, have a right to expect that the public faith shall be maintained. The Legislature should see to it, that the brave men who have, regardless of privation and danger gone to the defence of the frontier, are not deprived of the pay justly due them. They have already been compelled to yield a considerable portion to obtain money to meet their necessities. Many are yet holding their warrants in the hope that justice will be done them. Those yet to be paid, look alike, to the Legislature. Those now in the field will be stimulated to greater efforts in behalf of the frontier, if they find that their zeal and courage is appreciated and provision is made to recompense their toil.

The Executive regrets to be compelled to inform the Legislature, that none of the money appropriated by the United States Congress, to reimburse the State, for expenses incurred in defending the frontier against Indians, has yet been obtained. There was appropriated, by act of Congress, of March 3, 1859, the sum of \$53,000, and on the 21st June, 1860, the sum of \$123,444 51, for this purpose. No steps had been taken for the collection of the amount due on the first appropriation, when the present Executive came into office. On the 16th of March, 1860, instructions were sent to the Comptroller, to forward to the War Department at Washington, duplicate copies of the muster rolls, vouchers, &c., necessary to obtain the amount paid by the State for the services of six companies of rangers, called into service by Gen. Persifer F. Smith, in 1854, provided for by act of Congress of March 3, 1859.

The Comptroller declined to send the vouchers necessary to secure the collection of the amount. It was the intention of the Executive to solicit the services of one or more of our members of Congress, then at Washington, in the settlement of our

business, and when the amount due the State was ascertained, to obtain U. S. Treasury drafts, which could have been cashed here by the Comptroller at par, and thus all the expenses of a special agent would have been avoided. The Executive, again, on the 9th of October, requested that the vouchers for the whole claim, be forwarded at as early a day as practicable, the Comptroller having informed him that they were ready for transmission.

On the 3rd of November, desiring to facilitate and hasten the collection of this amount, the Executive notified the Comptroller of his intention to appoint Geo. J. Durham, Esq., chief clerk of the Comptroller's office, as agent to bear the muster rolls, vouchers, &c., to Washington, and to attend to the collection of the claim. On the 5th of November a communication was received from the Comptroller, declining to place the papers in the hands of Mr. Durham, and on the 28th November, Mr. Durham declined to accept the appointment, which in the meantime had been tendered him.

The only obstacle in the way of the prompt collection of the amount has been the fact, that the vouchers have not been placed in the possession of the War Department. Until this is done the money cannot be obtained. The vouchers are in the possession of the Comptroller, and it has been in his power at any time to transmit them either in person, or by some safe hand to the Secretary of War. When the claim has progressed thus far toward a settlement, the Executive will direct his endeavors towards securing all that may be justly due the State.

It is also proper to state that since the letter to the Comptroller of October last, stating that the muster rolls, &c., were ready for transmission to Washington, the Executive has been notified that five of the rolls, representing about \$40,000 of the amount due, are lost.

An examination of the facts presented, will furnish the Legislature the data upon which to base their action in reference to future operations of the Treasury. It will be seen that there is already a deficit in the revenue necessary to meet the civil expenditures. The ordinary expenses of the Government until the taxes come in in June, will be about \$30,000 per month. The deficit already existing added to this amount will consume the entire amount then received, and leave the government totally unprovided for for another year. Not only this is to be provided for, but the treasury warrants now in circulation are to be paid, as well as those Rangers who have been and are now in

service ; and means are to be provided for the future defense of the frontier.

From the Report of the Comptroller, hereunto appended, and made a part of this message, it will be seen that from the 21st of December, 1859, to the 19th of January, 1861, there had been paid out from the Treasury in cash, the sum of \$763,394 65, and that ten per cent Treasury warrants had been issued, amounting to \$129,556 99, making a total of \$892,951 64. Of this amount there was expended

For the Cortina war,	\$137,828 10
" Expenses of Legislature,	94,997 01
" Pay of Ford, Bourland and Brown's Com's.,	60,445 02
" Supplies furnished Capt. Williams,	7,423 46
" Construction of Lunatic Asylum,	33,369 12
" Machinery of Penitentiary,	27,000 00
" Improvement of Bays and Rivers,	68,270 40
" Improvement of Capital Grounds,	4,771 08
" Debt of the late Republic,	12,391 64

Total, \$446,495 83.

This entire amount was paid upon expenses ordinary and extraordinary, incurred prior to the commencement of the term of the present Executive, excepting a portion of the amount paid for expenses of the Legislature. Of the balance, \$446,495 83, a considerable portion is of the same character, or for special appropriations not included in the ordinary appropriations of Government. It will be seen that the entire amount of money used by the Executive for the defence of the frontier, is \$76,937 73, and that the entire amount of warrants issued for the same service is \$62,843 39, making a total of \$139,781 03. Deducting this from the above \$446,455 82, it will be seen that the amount expended in the past year for the ordinary expenses of Government, including such special appropriations and amounts due as are not enumerated above, was \$306,674 71.

According to estimates made, there is yet due on account of frontier defence, for pay and subsistence of 23 minute companies, \$30,000 00.

For pay and subsistence of full companies, \$125,000 00

\$155,000 00

Amount paid in cash and warrants, 139,781 12

Showing total cost of frontier defence, \$294,781 11

It is the opinion of the Executive, that the estimate made,

\$155,000, will cover the entire indebtedness on account of frontier defence for the past year. The entire operations have been conducted with the strictest economy. The troops have been supplied upon contract at exceeding low rates, and all officers held to a strict accountability. When the number of men kept in the field, and the distant points to which supplies have been sent are considered, the entire cost is not great. The expense of keeping a regiment in the field one year, was estimated by the Comptroller to be \$603,000.

Should a contingency arise by which the Federal army will be disbanded, and the Indians now under treaty stipulations with the Federal Government, and controlled by them, be turned loose, large appropriations will be necessary for the defence of our frontier. But should the present state of things continue, it will be necessary to maintain a force of rangers in the field. The frontier must be defended in any event, and it is not improbable that the financial difficulties already attending the Government, will be felt in the Indian Department, and there may be failures in carrying out the treaties with the Indians. Trouble will ensue much of which will be felt by our border. The Executive would therefore present the following estimates to sustain the Government the present year, and to meet deficiencies :

Amount due for Rangers' pay and subsistence,	\$155,000 00
Interest warrants in circulation,	129,556 99
Defence of Frontier,	500,000 00
Ordinary expenses of Government, see Comptroller's Report for September 1st, 1859,	331,400 00
Amount due on outstanding debt,	50,000 00
Amount of debt of Republic, which will be called for	10,000 50

Total,                    \$1,175,956 99

The expenses of the present session of the Legislature are also to be provided for.

Total receipt to August 31st. 1861, see Comptroller's Report, September, 1859,	\$343,344 27
Amount in Treasury subject to disbursement, January 19th, 1861, per Treasurer's Report,	14,785 62

Total,                    \$358,129 89

The peculiar attitude of our relations with the Federal Government will, I trust, command the earnest attention of the Legislature. While the proud structure of Government, built by our fathers, seems tottering to ruin, and some of its pillars

are already torn loose by the hand of internal dissension, we may not alone contemplate the scene and await its total downfall. As parts yet of that structure, the solemn duty presses upon us to prove faithful to the trust imposed by the patriots and sages of the past, and to restore it to its original pride and grandeur if we can; and if we cannot, to see that our own liberties perish not beneath its ruins.

The election of the Black Republican candidates to the Presidency has involved the issue of the permanency of the Government, upon the basis laid down by its founders. The principles of their party, as developed in the passage of laws in many of the States, subversive of our rights and in continual aggressions upon our institutions, have at last obtained a foothold on the Government itself. The struggle has been long, and the encroachment gradual, and at last, through our own folly and dissension alone, has resulted in placing one Department of the Government in the hands of those who have aggressed upon us. The question presses itself upon our consideration, whether tis best to abandon the Government and acknowledge that our Constitution is a failure, or to maintain in the Union every constitutional right guaranteed to us.

The grievances of which we complain have thus far originated with the States, and not with the Federal Government. They have, disregarding their constitutional obligations, interposed to obstruct the Federal Government in its efforts to administer the Government in accordance with the Constitution; and though the Government has not in all cases been successful in its efforts in our behalf, yet there has been no lack of willingness on its part. The prospect, however, of the Government going into the hands of a party, whose disregard of the Constitution is its sole bond of union, leads to the belief that Federal aggression is inevitable, unless such means are adopted as will not only restrain the dominant party within the bounds of the Constitution, but lead it to abandon all designs of perverting the powers of Government to serve its unconstitutional aims.

Were Governments formed in an hour and human liberty the natural result of revolution, less responsibility would attach to us as we consider the momentous question before us. A long struggle, amid bloodshed and privation secured the liberty which has been our boast for three-quarters of a century. Wisdom, patriotism, and the noble concessions of great minds, framed our Constitution. Long centuries of heroic strife attest the progress of freedom to their culminating point. Ere the work of centuries is undone, and freedom shorn of her victorious garments, is

started out once again on her weary pilgrimage, hoping to find after centuries have passed away another dwelling place, it is not unmanly to pause and at least endeavor to avert the calamity.

The Executive feels as deeply as any of your honorable body, the necessity for such action on the part of the slaveholding States as will secure to the fullest extent every right they possess. Self-preservation, if not a manly love of liberty inspired by our past history, prompts this determination. But he cannot feel that these dictate hasty and unconcerted action, nor can he reconcile to his mind the idea that our safety demands an immediate separation from the Government, ere we have stated our grievances or demanded redress. A high resolve to maintain our constitutional rights, and failing to obtain them, to risk the perils of revolution, even as our fathers risked it, should, in my opinion, actuate every citizen of Texas; but we should remember that we owe duties and obligations to States having rights in common with us, and whose institutions are the same as ours. No aggression can come upon us which will not be visited upon them, and whatever our action may be, it should be of that character which will bear us blameless to posterity, should the step be fatal to the interests of those States.

While deplored the election of Messrs. Lincoln and Hamlin, the Executive yet has seen in it no cause for the immediate and separate secession of Texas. Believing, however, that the time had come when the Southern States should co-operate and counsel together, to devise means for the maintenance of their constitutional rights and to demand redress for the grievances they have been suffering at the hands of many of the Northern States, he has directed his efforts to that end. Believing that a convention of the character contemplated by the Joint Resolution of February 16th, 1858, would be held, and desiring that the people of Texas should be represented in the same and have full opportunity to elect delegates reflecting their will, he ordered an election for that purpose to be held on the 1st Monday in February next. Although since that time four of the Southern States have declared themselves no longer members of the Union, yet he confidently looks forward to the assembling of such a body. A majority of the Southern States have as yet taken no action and the efforts of our brethren of the border are now directed toward securing unity of the entire South. The interests of Texas are closely identified with the remaining States, and if by joining her councils with theirs, such assurances can be obtained, of a determination on the part of the Northern States

to regard our Constitutional rights, as will induce the States which have declared themselves out of the Union, to rescind their action, the end attained will silence whatever reproaches the rash and inconsiderate may heap upon us.

Texas, although identified by her institutions with the States which have declared themselves out of the Union, cannot forget her relation to the border States. Pressed for years by the whole weight of abolition influence, these States have stood as barriers against its approach. Those who ask Texas to desert them now, should remember that in our days of gloom, when doubt hung over the fortunes of our little army and the cry for help went out, while some of those who seek to induce us to follow their precipitate lead, looked coldly on us, these States sent men and money to our aid. Their best blood was shed here in our defense, and if we are to be influenced by considerations other than our own safety, the fact that these States still seem determined to maintain their ground and fight the battle of the Constitution within the Union, should have equal weight with us, with those States which have no higher claim upon us, and who without cause on our part have sundered the ties which made us one.

Whatever may be the course of Texas, the ambition of her people should be, that she should take no step except after calm deliberation. A past history in which courage, wisdom and patriotism united to found a Republic and a State is in our keeping. Let the record of no rash action blur its pages ! If after passing through two revolutions, another is upon us, let the same prudence mark our course as when we merged from an independent nation into one of the States of the Union. Holding ourselves above influences which appeal to our passions and our prejudices, if we must be masters of our own destiny, let us act like men, who feel all of the responsibilities of the position they assume and are ready to answer to the civilized world, to God and to posterity.

The time has come, when in my opinion, it is necessary to evoke the sovereign will for the solution of this question, affecting our relations with the Federal Government. The people, as the source of all power can alone declare the course that Texas shall pursue ; and in the opinion of the Executive they demand that the Legislature should provide a legal means by which they shall express their will, as freemen, at the ballot box. They have stood aloof from revolutionary schemes, and now await the action of your honorable body, that they may in a legitimate

manner speak through the ballot box. As one of the special objects for which you were convened, the Executive would press this upon your attention, and would urge that such action be as prompt as possible.

Confiding in the wisdom of the Legislature and in its recognition of the supremacy of the people, the Executive relies upon the adoption of such Legislation as will secure a full, free and fair expression of their will. Should the Legislature, in its wisdom, deem it necessary to call a convention of delegates, fresh from the people, the Executive would not oppose the same; but he would suggest that the people be the tribunal of the last resort and that no action be considered final until it has been submitted to them.

While the public mind is agitated and wild excitement tramples upon reason, the Executive has a right to look to the legislative department of the Government for wise and sagacious counsels. Representing the creative power of law, the high responsibilities upon you demand that you indignantly frown upon any and every attempt to subvert the laws and substitute in their stead the will of revolutionary leaders. Assembled as you are at the most important epoch in our history as a people, may all the solemnities of such an occasion impress upon you with a determination to act your part in such a way, that the confidence of the people in the stability of our institutions will not be shaken. If, appealing to the popular voice, you show your confidence in their patriotism and sense, by placing this important question in their hands all will be well. Be their voice as it may, we shall be united and whether our future be prosperous or gloomy, a common faith and hope will actuate us; but if on the contrary, moved by rash and unwise counsels, you yield the powers of government into the hands of those who do not represent the people and would rise superior to them, the confidence of the masses in the reign of law and order will be shaken and gloomy forebodings will fill the hearts of the friends of regulated Government, lest the reign of anarchy and confusion come upon us. We have gone through one revolution in Texas a united people. We can be united again and will be, if the people are entrusted with the control of their destinies.

The situation of Texas, her extensive border, subject to hostile incursions for 700 miles, the vast extent of her territory and her scattered population, all are subjects to be considered in reference to this question. If our form of Government is to be changed, we must have a regard for the future. The millions now spent by the United States for our frontier, the support of

our postal service, the defence of our commerce, must all come from the pockets of our people. Providence has withheld from us in the past year the abundance which has formerly rewarded the care of the husbandmen. The people of many sections are already calling for relief. We cannot afford under these circumstances to plunge madly into revolution.

The Executive has not yet lost the hope that our rights can be maintained in the Union, and that it may yet be perpetuated. Between constitutional remedies and anarchy and civil war, he can see no middle ground. All the glorious associations of our past history prove that hitherto we have been capable of self government. The tyrants of Europe have ever disputed this fact. Let us give no strength to their arbitrary dogmas by any action of ours; and whatever may be our future course, let us keep proudly in the ascendant the great principle upon which rests the idea of American Liberty.

During the present month the Executive has had the honor to receive the Hon. J. M. Calhoun, Commissioner from the State of Alabama, upon the attitude of our National affairs. The correspondence upon that subject is herewith submitted to the Legislature.

In conclusion, gentlemen, the Executive would again press upon your attention the great importance of maintaining the public credit and faith, and would warn you against the consequences of involving the people in debt at this stage of our affairs. We can better "pay as we go," than we can meet accumulated debt in the future.

May a kind providence guide you aright,

Your obedient servant,

SAM HOUSTON.

*STATEMENT showing the amount of Warrants drawn on Appropriations, from December 21st, 1859, to the 18th of January, 1861, inclusive:*

DATE OF APP'N.	FOR WHAT PURPOSE.	AM'T.	TOTAL.
LEGISLATURE.			
1859.			
Nov. 21.	For pay and mileage of members, &c., of the 8th Legislature,	82,458 30	

Dec. 8.	For contingent expenses of same,	9,886 92
1860.		
Feb. 11.	For printing Laws and Journals of same,	2,651 99 94,997 01

---

## JUDICIARY.

## S U P R E M E C O U R T .

1858.		
Feb. 15.	For salary of three Judges,	2,245 00
Feb. 15.	For salary of three Librarians,	225 00
" "	For increase of Library,	297 23
1860.		
Feb. 11.	For salary of three Jubges,	8,096 67
" "	For salary of thee Librarians,	875 00
" "	For Contingent Fund,	1,502 30
" "	For pay of Sheriff,	445 05
" "	For porter hire,	199 00
" "	For purchase of books for Library,	1,007 83
" "	For publishing Reports, 22nd volume,	6,374 00
" "	For publishing Reports, 21st volume,	3,101 00
" "	For Clerk's fees in felony cases,	170 00
" "	For Coantingent Fund, (1861)	127 98
Feb. 11.	For Clerk's fees in feiony cases, (1861)	140 00
1858.		
Feb. 13.	For purchase of 100 additional volumes of Reports,	450 00 25,510 06

---

## DISTRICT COURT.

1858.		
Feb. 15.	For salary of 19 Judges,	9,350 00
" "	For salary of 19 Attorneys,	2,340 26
" "	For costs due Cl'ks and Sheriffs,	2,344 54
1860.		

Feb. 11.	For salary of 20 Judges,	38,909 24
" "	For salary of 20 Attorneys,	8,444 71
" "	For costs due Clerks, Sheriffs and Attorneys,	4,997 41
" "	For costs due Clerks, Sheriffs and Attorneys, (1861)	3,222 51
1860.		
Jan. 4.	For Costs due Attorney General and District Attorney,	2,020 00 71,628 67

## ATTORNEY GENERAL'S OFFICE.

1858.		
Feb. 15.	For salary of Attorney General,	445 00
" "	For Contingent Fund,	15 89
Feb. 11.	For salary of Attorney General,	1,760 00
" "	For Contingent Fund,	99 87
" "	For fees in felony cases,	250 00
" "	For Contingent Fund, (1861)	36 48
" "	For fees in felony cases, (1861)	90 00

## EXECUTIVE.

## GOVERNOR'S OFFICE.

1858.		
Feb. 15.	For salary of Governor,	1,250 00
" "	For salary of Private Secretary,	62 50
Feb. 15	For Contingent Fund,	3 24
1860.		
Feb. 11.	For publishing Proclamations,	2,093 70
Jan. 12.	For furnishing Governor's Man- sion,	2,496 63
Feb. 11.	For salary of Governor,	1,875 00
" "	For salary of Private Secretary,	925 00
" "	For Contingent Fund,	425 57
" "	For Contingent Fund, (1861)	168 50
Feb. 15.	For recovering fugitives from Justice,	745 85 10,045 99

## SECRETARY OF STATE'S OFFICE.

1858.

Feb. 15.	For salary of Secretary,	479 58
" "	For salary of Chief Clerk,	116 66
" "	For Printing Fund,	7 00
" "	For porter hire and wood,	48 00
" "	For postage,	27 48
" "	For Contingent Fund,	70 25

1860.

Feb. 11.	For Stationery and Books,	83 48
" "	For salary of Secretary,	1,800 00
" "	For salary of Chief Clerk,	1,399 96
" "	For Printing Fund,	104 00
" "	For porter hire and wood,	95 50
" "	For postage,	231 10
" "	For Contingent Fund,	60 68
" "	For Stationary Books,	100 00
" "	For extra Clerk hire,	700 00
" "	For Stationary and Books,	22 04
Feb. 15.	For purchase of Books for State Library,	557 10
" "	For distributing Laws, Journals and Reports Supreme Court,	1,568 90
Feb. 11.	Translating and printing Laws in German and Spanish,	674 30
" "	For printing Biennial Reports, 1858 and 1859,	3,859 74 12,006 27

---

## COMPTROLLER'S OFFICE.

1858.

Feb. 15.	For salary of Comptroller,	150 00
Feb. 15.	For salary of Chief Clerk,	116 66
" "	For salary of Tax Clerk,	100 00
" "	For salary of Accountant,	75 00
" "	For salary of 4 Assistant Clerks,	300 00
" "	For Contingent Fund,	60 25
" "	For Books and Stationery,	24 30
" "	For Printing Fund,	60 00
" "	For Postage,	16 26
" "	For porter hire, treas, building,	20 83

1859.

Dec. 1.	For relief of 4 Clerks,	608 32
---------	-------------------------	--------

1860.

Feb. 11.	For salary of Comptroller,	1,800 00
" "	For salary of Chief Clerk,	1,399 93
" "	For salary of Tax Clerk,	1,200 00
" "	For salary of Accountant,	1,200 00
" "	For salary of 9 assistant Clerks,	7,375 00
" "	For Contingent Fund,	321 52
Feb. 11.	For Books and Stationary,	253 45
" "	For Printing Fund,	237 66
" "	For Postage,	172 37
" "	For blank Assessment Rolls,	564 23
" "	For fire wood for Treas. building,	134 88
" "	For porter hire     "     "	249 96
" "	For printing and compiling Abstract of Lands,	4,000 00
" "	For Contingent Fund, (1861)	49 44
" "	For Postage Fund, (1861)	24 27 20,514 33

## TREASURER'S OFFICE.

1859.

Dec. 15.	For salary of Treasurer,	150 00
" "	For salary of Chiet Clerk,	100 00
" "	For Contingent Fund,	91 80
" "	For Stationery, Postage & Print'g,	9 53

1860.

Feb. 11.	For Salary of Treasurer,	1,800 00
" "	For Salary of Chief Clerk,	1,200 00
" "	For Contingent Fund,	209 77
" "	For Stat'ery, Postage & Print'g,	72 65
" "	For Contingent Fund, (1861)	8 50
" "	For Stat'ery, Postage & Print'g,	2 09 3,644 34

## GENERAL LAND OFFICE.

1858.

Feb 15.	For Postage,	165 57
" "	Fire-wood,	69 50
" "	Porter Hire,	10 00
" "	Salary of Comissioner,	333 37
" "	" of Chief Clerk,	116 66
" "	" of Translator,	100 00
" "	" of Receiver,	100 00
" "	" of Chief Draftsman,	100 00
" "	of 9 Assistant Draftsmen,	543 55

Feb. 15.	" " of 23 Assis't Clerks,	1,975	80
"	Postage,	80	86
"	Contingent Fund,	515	02
"	Fire-wood,	136	50
"	Porter Hire,	70	00
"	For survey of Land scrip,	36	00
1860.			
Feb. 11.	For salary of Commissioner,	1,999	94
"	" of Chief Clerk,	1,399	92
"	" of Translator,	1,200	00
"	" of Receiver,	974	20
"	" of Chief Draftsman,	1,200	00
"	" of 3 Ass't Draftsmen,	3,899	76
"	" of 6 second Assistant Draftsmen,	5,377	16
"	" of 23 Ass't. Clerks,	20,774	10
"	Stationery,	1,149	64
"	Contingent Fund,	319	06
"	Postage,	327	05
"	Printing,	75	50
"	Porter Hire,	240	00
"	Stationery fund, (1861,)	238	40
"	Photographic Bureau,	2,204	02
			45,531 58

## COURT OF CLAIMS.

1858.			
Feb. 15.	For Contingent Fund,	9	50
1860.			
Feb. 11.	For salary of Commissioner,	1,791	60
"	" of Chief Clerk,	1,075	00
"	Contingent Fund,	390	08
"	" do do (1861,)	62	03
			3,328 20

## GEOLOGICAL BUREAU.

1860.			
Jan. 10.	For Contingent Fund, (1859,)	1,173	04
1860.			
Feb. 11.	For salary of Geologist,	2,950	00
"	" of two Assistants,	2,875	00
"	Contingent Fund,	5,000	00

Feb. 11.	" salary of Geologist,	250 00
"	Contingent Fund,	1,500 00
		<hr/>

## ASYLUMS.

1858.			
Feb. 15.	For support of Deaf and Dumb,	1,722 76	
1860.			
Feb. 11.	For support of Deaf and Dumb,	7,954 32	9,677 08
		<hr/>	
1858.			
Feb. 15.	For support of Blind,	2,750 15	
1860.			
Feb. 11.	For support of Blind,	6,812 36	9,562 41
		<hr/>	
1856.			
Aug. 21.	For erection of Lunatic,	2,001 14	
1858.			
Feb. 15.	For purchasing of site, furn'g, etc.	5,381 36	
1860.			
Feb. 11.	For erection and support of do.	25,986 62	33,369 12
		<hr/>	
			52,608 61

## PENITENTIARY.

1860.			
Feb. 3.	For transportation of convicts,	16,483 75	
"	" purchase of Materials for Factory,	15,000 00	
Feb. 11.	For Stationery, Postage, and Printing,	150 00	
" 3.	For Purchase of Machinery,	27,000 00	
" 11.	" salary of Superintendent,	1,512 50	
" "	" of Financial Agent,	1,337 50	
" 3.	" of 3 Directors,	743 16	
" 3.	" of Chaplain,	270 82	
" 3.	" of Physician,	492 36	62,999 09
		<hr/>	

## PENSIONS.

1858.			
Feb. 15.	To sundry persons,	575 00	

1860.				
Feb. 11.	To sundry persons,		1,387 50	1,962 50

## IMPROVEMENT OF BAYS, RIVERS, ETC.

1856.				
Aug. 1.	For Colorado River,	10,000 00		
"	" Brazos River,	12,535 00		
"	" Sabine River,	8,200 00		
"	" Angelina and Neches Rivers,	8,203 66		
"	" Big Cypress Bayou,	10,649 40		
"	San Bernard River,	2,720 00		
"	Galveston Bay,	5,000 00		
"	San Luis Bay,	8,437 50	65,745 57	

1856.				
Sept. 1.	For salary of Sub Engineers,	480 00		
"	" hire of boat, hands, etc.,	3 50		
1858.				
Feb. 15.	For salary of State Engineer,	1,283 33		
1860.				
Feb. 11.	For salary of special agents,	758 00	2 524 83	
			68,270 40	

## MISCELLANEOUS.

1856.				
Feb. 4.	To pay for arrest, safe keeping and prosecution of offenders, under Act of Feb. 2, 1856,	1,494 25		
Sept. 1.	To pay for prosecuting for burn- ing of Adjutant General's of- fice, and for forgeries in same,	13 50		
1856.				
Aug. 26.	For improvement of Capitol Grounds,	4,771 08		
1858.				
Feb 15.	For indemnity to owners, for slaves executed,	1,000 00		

1860.

Feb. 11. For indemnity to owners for  
slaves executed, 1,000 00

1858.

Feb. 15. For purchase of Digest of Laws, 257 94

Jan. 19. For expenses in drawing arms  
from Federal Government, 246 51

1860.

Jan. 25, } and } For relief of sundry persons, 8,456 52

Feb. 11, } Jan. 31. For taking Scholastic Census,  
1859 and 1860, 11,264 67

Feb. 2. For sale of University Lands, 1,641 45

" 11. " boring Artesian well, 3,121 22

" 11. " repairs on public buildings, 1,454 61

" 11. " boundary survey, 10,492 19 45,213 34

## DEBT OF THE LATE REPUBLIC.

Amount paid, - - - - 12,391 64

## FOR THE "CORTINAS WAR."

1860.

Jan. 12. For pay of Captain Tobin's  
company, - 9,748 28

Feb. 15. For pay and subsistence of  
troops on Rio Grande, 36,966 40

" 3. For pay and subsistence of  
troops on Rio Grande, 24,399 82

Total in cash warrants, 71,114 50

Feb. 3. Amount drawn in ten per cent.  
warrants for same service, 66,713 60 137,828 10

## FOR THE PROTECTION OF THE FRONTIER.

1860.

Feb. 8. For pay of Ford, Bourland and  
Brown's companies, etc., 60,445 02

Feb. 3. For protection of the Frontier, 76,937 73

Feb. 11.	For supplies furnished Captain J. Williams' company,	7,423 45
	Total in cash warrants,	144,806 20
	For amount drawn in ten per cent. warrants for same service,	62,843 39
Feb. 14.	For salary of Adjutant General and contingent fund,	3,85 00 208,034 59
		\$892,951 64

### RECAPITULATION.

For — Legislative purposes, - - - -	\$ 94,997 01
Supreme Court, etc., - - - -	25,510 06
District Courts, etc. - - - -	71,628 67
Attorney General's office, etc. - - - -	2,697 24
Governor's office, etc. - - - -	10,045 99
Secretary of State's office, etc. - - - -	12,006 27
Comptroller's office, - - - -	20,514 33
Treasurer's office, - - - -	3,644 34
General Land office, - - - -	45,531 58
Court of claims, - - - -	3,328 21
Geological Bureau, - - - -	13,748 07
Asylums, - - - -	52,608 61
Penitentiary, - - - -	62,990 09
Pensions, - - - -	1,962 50
Improvement of Bays, Rivers, etc. - - - -	68,270 40
Miscellaneous purposes, - - - -	45,213 94
Debt of the late Republic, - - - -	12,391 64
The "Cortinas War," - - - -	137,828 10
The protection of the Frontier, - - - -	208,034 59
Total sum expended - - - -	\$ 892,951 64

Of which \$129,556 99 was in ten per cent. warrants, and \$763,394 65 was in cash warrants.

COMPTROLLER'S OFFICE, }  
AUSTIN, Jan 20, 1861. }

CLEM. R. JOHNS,  
*Comptroller.*

*Correspondence between Hon. J. M. Calhoun, Commissioner from Alabama, and Gov. Sam Houston.*

---

AUSTIN, TEXAS, }  
January 5th, 1861. }

Dear Sir :—I come as the accredited Commissioner of the State of Alabama, to consult and advise with yourself and the members of the State Legislature and of the Convention of Texas, as to what is best to be done to protect the rights, the interests and the honor of the slaveholding States.

Neither the Legislature of Texas or any Convention being now in session, and my speedy return to Alabama being required, my conference must be of necessity, confined to yourself, with a request that my communication to you, may be communicated to the Legislature of Texas, when it shall assemble, as I am pleased to learn, will be at no distant day.

In performance of this, my duty, under all surrounding circumstances, I have only simply to say, that Alabama, through her Legislature, being the first to move in that direction, which may possibly result in the severance of all connection with the Federal Government, as the only means of saving her citizens from the utter ruin and degradation which must follow from the administration of that Government, by a sectional and hostile majority, desires to assure her sister slaveholding States, that she feels that her interests are the same with theirs, and that a common destiny must be the same to all. That, therefore, whatever may be the course which she may deem it proper to take to meet the dangers by which she as well as they are surrounded, she will do so with an earnest desire, that there may be in the present and in the future, an unbroken band of brotherhood and union between herself and Texas, and every other slaveholding State. That, she will not act with rashness or thoughtlessness, but with mature and deliberate consideration. That she will by all means endeavor to avoid the doing of any act which may shake the confidence or alienate the friendly feelings of her sister slaveholding States. That whatever may be the determination of her people, to be assembled in their sovereign character in Convention, on the 7th inst., they will still cover themselves and their posterity under the folds of the old Constitution of the United States, in its purities and truth.

It is perhaps, my duty to give your Excellency my individual opinion, that the action of the Convention to assemble on the 7th inst., will be to withdraw from the present Union, and to take her position as a sovereign and independent State, seeking

and desiring a near and perfect Union with all other States of the South as speedily as possible. This will, however, have been decided one way or the other, and be made known to the Legislature of your State, by the time it shall assemble.

Hoping and trusting that there may be no discord between the States of the South; that unanimity, confidence, wisdom, prudence and firmness may mark the course of all, and that a kind Providence may rule over and guide and protect us in our day of gloom and danger.

I remain, very respectfully,

Your obedient servant,

J. M. CALHOUN,

*Commissioner from Alabama.*

EXECUTIVE DEPARTMENT,  
AUSTIN, Jan., 7th, 1831. {

To HON. J. M. CALHOUN,

COMMISSIONER FROM ALARAMA,

Dear Sir:—Your communication of the 5th inst., informing me of the object of your mission, on the part of the State of Alabama, is before me.

As a citizen of a sister State, bearing an appointment of Commissioner to Texas, from her Chief Executive, I welcome you here, and trust that whatever ideas you may adopt in reference to the political opinions of the people of Texas, you may bear back with you the evidences of their kindness, hospitality and friendship.

Having convened the Legislature of the State, with a view to its providing a mode by which the will of the people of Texas may be declared, touching their relations with the Federal Government and the States, I cannot authoritatively speak as to the course they will pursue. A fair and legitimate expression of their will through the ballot-box is yet to be made known. Therefore, were the Legislature in session, or were a legally authorized Convention in session, until the action taken is ratified by the people at the ballot-box, none can speak for Texas. Her people have ever been jealous of their rights, and have been careful how they parted with the attributes of their sovereignty. They will reserve to themselves the right to finally pass upon the act involving so closely their liberties, fortunes, peace and happiness; and when through the free exercise of that sacred privilege, which has, ever until now, been deemed the best

security for the liberties of the people and the surest means of remedying encroachments upon their rights, they have declared their will, then and then only can any speak for Texas. Until then, nothing but individual opinions be expressed ; and mine are entitled to no more weight than a long acquaintance with the people and a continued intercourse and communication with them, wou'd justify.

That there is a difference of opinion existing in Texas, in relation to the course necessary to pursue at this period, none can deny. Citizens, alike distinguished for their worth and public services, hold opposite views ; and while all are united in the determination to maintain our Constitutional rights, they differ as to the mode of accomplishing the same. In this I do not include that reckless and selfish class, who, moved by personal ambition, or a desire for office or spoil, desire a change of government, in the hope that aggrandisement will attend them.

I believe, however, that a large majority of the people, recognizing the obligations they owe to the border States, who have so long stood as barriers against the assaults of abolitionism, desire to concert such measures, as will not only conduce to their safety, but the benefit of the entire South. As Executive of the State, I have deemed it my duty to present to the other Southern States, a proposition for a consultation, having that object in view. Alabama has not yet responded to the same, and although the tenor of your letter indicates that she will pursue a different course. I trust that when the great interests at stake are duly considered by her people, they will determine to join with Texas and the majority of the Southern States, in an honest and determined effort, to obtain redress for the grievances which the North has put upon us, ere they take the fatal step, which in my opinion, ultimately involves civil war and the ruin of our institutions, if not of liberty itself.

If "Alabama has been the first to move in the direction which may possibly result in the severance of all connection with the Federal government," it is a matter of pride to me that Texas has, in this time of peril, been the first to move in that direction calculated to secure Southern unity and co-operation. Texas is the only one of the States which possessed, ere her connection with the Union, full and complete Sovereignty. Though she brought an empirein to the Union and added vastly to the area of slavery, she arrogates to hrself no especial privilege, nor has she yet consulted her own safety, or interest, save in common with that of the entire South. Know-

in the obligations which she took upon herself when she came into the Union, she has thus far shown no desire to relieve herself of those obligations, until it is manifest that the compact made with her will not be observed. Having made an effort in concert with her Sister Slaveholding States, to secure the observance of that compact, and failed in that effort, it would then be her pride to sink all considerations prompted by her own ambition, and share a common fate with them; but, if on the contrary, they, consulting their own interests and their own inclinations, neither seeking her counsel or co-operation, act separately and alone, and abandon a Union and a Government, of which she yet forms a part, Texas will then be compelled to leave a policy, whereby she has unselfishly sought the good of the whole South, and will pursue that course which her pride and ancient character marks out before her.

Were I permitted to trust alone to the tenor of the first part of your communication, and had you given me no assurance of the fact, that, although Alabama "desires to assure her Sister Slaveholding States, that she feels that her interests are the same with theirs, and that a common destiny must be the same to all," yet that she will, through her convention, which assembles to day, the 7th inst., "withdraw from the present Union and take her position as a Sovereign State," I could give you more assurance of my co-operation as executive of Texas, with Alabama in the present emergency. Should Alabama, without waiting for the action of Texas, withdraw from the Union, and Texas by the force of circumstances, be compelled at a future period, to provide for her own safety, the course of Alabama, South Carolina, and such other States as may follow their lead, will but strengthen the conviction, already strong among our people, that their interests will lead them to avoid entangling alliances, and enter once again upon a National career. No claim would then exist upon Texas, for her co-operation, has not been deemed important at a time when it was essential to her safety; and her statesmen will deem that she violates no duty to the South, in unfurling once again her Lone Star Banner, and maintaining her position among the independent nations of the earth. If the Union be dissolved and the gloomy forebodings of patriots be realized in the ruin and civil war to follow, Texas can "tread the wine press alone," in the day of her misfortune, even as her freemen trod it in the past, and if she falls in the effort to maintain liberty and her institutions upon her own soil, she will feel that posterity will justify her and lay no blame at her door.

Texas, unlike Alabama, has a frontier subject to hostile incursions. Even with the whole power of the United States to defend her, it is impossible to prevent frequent outrages upon her citizens. The numerous tribes of Indians now controlled by the United States, and restrained by treaty stipulations and the presence of the army, would by the dissolution of the Union, be turned loose to provide for themselves, and judging from the past, it is not unreasonable to suppose they will direct their savage vengeance against Texas. The bandits of Mexico, have within the past year, given an evidence of their willingness to make inroad upon us, could they do so with impunity. These are some of the consequences of disunion, which we of the border cannot shut out from our sight. If Texas has been compelled to resort to her own means of defense, when connected with the present Union, it is not to be supposed that she could rely for protection on an alliance with the Gulf States alone; and having grown self-reliant amid adversity, and continued so as a member of the Union, it will be but natural that her people, feeling that they must look to themselves, while sympathizing fully with those States, whose institutions are similar to their own, will prefer a separate Nationality, to even an equal position in a Confederacy, which may be broken and destroyed at any moment by the caprice or dissatisfaction of one of its members. Texas has views of expansion not common to many of her sister States. Although an empire within herself, she feels that there is an empire beyond essential to her security. She will not be content to have the path of her destiny clogged. The same spirit of enterprise which founded a Republic here, will carry her institutions Southward and Westward. Having when but a handful of freemen, withstood the power of a nation, and wrung from it her independence, she has no fear of abolition power while in the Union; and should it be the resolve of her people to stand by the Constitution, and maintain in the Union those rights guaranteed to them, she will even be proof against the "utter ruin and degradation" depicted in your communication. A people determined to maintain their rights can neither be ruined nor degraded, and if Texas takes upon herself the holy task of sustaining the Constitution, even in the midst of its enemies, history will accord her equal praise with those who sought only their own safety, and left the temple of liberty in their possession.

Were I left to believe that Alabama is disposed to second the efforts made to secure co-operation of the South, in demanding redress for our grievances, or that her course would in the least

depend upon that of Texas, I would suggest such views as sincere and earnest reflection have induced. But, as you express the opinion, that Alabama will, through her Convention, without waiting to know the sentiments of the people of Texas, act for herself, there can be no reason why I should press them upon your attention, nor is it a matter of importance whether they reflect the popular sentiment of the State, or not. They would be alike unavailing. Nor will I enter into a discussion as to how far the idea of the adoption of the Constitution of the United States will be acceptable to the people of the States, forming a Southern Confederacy. That Constitution was a compromise of conflicting interests. It was framed so as to protect the slaveholding States against the encroachments of the non-slaveholding. The Statesmen of the South secured a representation for three-fifths of our slave property. Whether this, and other provisions of that instrument will be deemed applicable to States which have no conflicting interests so far as slavery is concerned, is not for me to say; but I cannot refrain from expressing the opinion, that if the proud and gallant people of Alabama, are willing to "still cover themselves and their posterity under the folds of the old Constitution of the United States, in its purity and truth," the rights of Texas will be secure in the present Union, so long as the Constitution is preserved and controls the administration of the Government; and although "the administration of the Government by a sectional hostile majority," will be distasteful to the feelings of Texas, if she can, by constitutional and fair means, induce that majority to yield obedience to the Constitution and administer the Government in accordance with it, the triumph will be ours; and will escape the miseries of civil war, and secure to ourselves and to our posterity all the blessings of liberty, which by the power of Union have made us the greatest nation on the earth.

Recognizing, as I do, the fact that the sectional tendencies of the Black Republican party call for determined constitutional resistance at the hands of the united South, I also feel that the million and a half of noble-hearted conservative men, who have stood by the South, even to this hour, deserve some sympathy and support. Although we have lost the day, we have to recollect that our conservative Northern friends cast over a quarter of a million more votes against the Black Republicans, than we of the entire South. I cannot declare myself ready to desert them, as well as our Southern brethren of the border, (and such I believe to be the sentiment of Texas,) until at least one firm attempt has been made to preserve our constitutional rights within the Union.

In conclusion, allow me to say, that whatever may be the future of the people of Alabama, my hopes and ardent prayers for their prosperity will attend them. When I remember their progress, and the evidences they have had of the blessings of free government, I join you in the belief that they "will not act with rashness or thoughtlessness, but with mature and deliberate consideration." Forty-seven years ago, to prevent the massacre of her citizens, it was upon her soil, that I gave the first proofs of my manhood and devotion to the Union. The flag that I followed then, was the same stars and stripes which the sons of Alabama have aided to plant on many a victorious field. Since then, Alabama has risen from an almost wilderness region, under the fostering care of the Federal Government and the power embraced in Union, to a great, wealthy and prosperous people, and obtained a position, which without Union with the other States, she could not have achieved for ages, if ever.

Receive for yourself and the people of Alabama, whose accredited Commissioner you are, the assurances of my esteem and consideration.

I have the honor to be

Your most ob'd't. serv't.,

SAM HOUSTON.

On motion of Mr. Britton, the Senate then retired to their chamber.

Mr. Britton introduced a joint resolution for the election of Commissioners to a Convention of Southern States, to be held at the city of Montgomery, State of Alabama, in the month of February, proximo, to take into consideration the interest and welfare of the Southern States. Read first and second times and referred to the committee on State Affairs.

Mr. Herbert introduced a joint resolution validating the acts of the Convention of the people, to be held in the city of Austin, on the 28th day of January, 1861, and providing for the mileage and per diem of the members thereof. Read first and second times and referred to the committee on State Affairs.

Mr. Enath offered the following resolution :

*Resolved*, That the committee on Indian Affairs, act jointly with any committee appointed by the House, for the protection of the frontier. Adopted.

Mr. Throckmorton introduced a bill to provide for the election of delegates to a general Convention of the people of Texas.

Read first and second times and referred to the committee on State Affairs.

On motion of Mr. Hyde, the Senate adjourned until to-morrow, 11 o'clock, A. M.

---

WEDNESDAY, Jan. 23, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Erath introduced a bill to define the time of holding courts within the 19th Judicial District. Read first time.

On motion of Mr. Erath, rule suspended, bill read second time and ordered to be engrossed. Rule further suspended, read third time and passed.

Mr. Throckmorton introduced a bill to appropriate the money arising from the University Land Sales, for the purchase of supplies and ammunition for the troops on the frontier. Read first and second time and referred to the Committee on Finance.

Mr. Potter introduced a bill supplementary to An Act to incorporate the Houston, Trinity and Tyler Railroad Company, and to the acts amendatory of and supplemental thereto. Read first and second time and referred to the Committee on Internal Improvements.

Mr. Herbert introduced a bill to amend an act entitled an act to amend an act entitled an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 8, 1860. Read first and second time and referred to Committee on Internal Improvements.

Mr. Guinn introduced a Joint Resolution against coercion by the Federal Government, or any combination of the States. Read first and second time and referred to the Committee on State Affairs.

Mr. Throckmorton introduced a bill for the relief of Charles Clark. Read first and second times and referred to the Committee on Private Land Claims.

Mr. Whaley offered the following resolution:

*Resolved*, That the Committee on the Militia, be instructed to enquire into, and report as early as possible, wherein the Militia law of the State is defective, and can be so amended as to be made efficient, and also what amount of money will be required for the purchase of arms and munitions of war, necessary to put the State in a position of complete defence. Adopted.

Mr. Throckmorton offered the following resolution:

*Resolved*, That that 2500 copies of the Governor's Message and all accompanying Documents, be printed for the use of the Senate. Adopted.

Mr. Parsons offered the following resolution:

*Resolved*, That the Committee on Printing, be instructed to contract with the publishers of State Gazette and of the Southern Intelligencer, for ten copies of the weeklys of each of said papers, for each member of the Senate. Upon which the yeas and nays were called and stood as follows:

YEAS—Messrs. Blanch, Chambers, Duggan, Fall, Guinn, Martin, Parsons, Paschal and Schleicher—9.

NAYS—Messrs. Erath, Gentry, Grimes, Herbert, Hyde, Lott, Miller, Potter, Quinnan, Rains, Shepard, Stockdale, Throckmorton, Townes and Whaley—15.

So the resolution was rejected.

Mr. Throckmorton offered the following resolution:

*Resolved*, That the Public Building Committee, enquire into the contract made with the contractors for roofing the Capitol, and report by bill or otherwise. Adopted.

On motion of Mr. Potter, the Senate adjourned until to-morrow morning, 10 o'clock, A. M.

---

THURSDAY, January 24th, 1861.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Rains presented the memorial of R. W. Spradling praying for land. Referred to the committee on Private Land Claims.

Mr. Potter, chairman of the Committee on the Judiciary, made the following report:

The Judiciary Committee have considered a bill to give additional time for holding the courts in the 20th Judicial District, and to change the time of holding courts in certain counties in said District, and recommend its passage.

On motion of Mr. Throckmorton, the bill was taken up, read second time and ordered to be engrossed. Rule further suspended. Bill read third time and passed.

Mr. Throckmorton introduced a bill to provide for the sale of land ceded to the United States for Indian purposes, by act of the Legislature, approved February 6th 1854. Read first and second times and referred to the Committee on Public Lands.

Mr. Miller offered the following resolution :

*Resolved*, That the Committee on Printing be instructed to contract for twenty copies of the weekly issue of the State Gazette to be furnished each member of the Senate. Rejected by the following vote:

YEAS—Messrs. Blanch Duggan, Lott, Miller and Parsons—5.

NAYS—Messrs. Britton, Chambers, Erath, Fall, Grimes, Guinn, Harmon, Herbert, Hyde, Martin, Potter, Quinan, Rains, Shepard, Throckmorton, Townes and Whaley—17.

Mr. Throckmorton introduced a bill to provide the payment of expenses incurred by special bearer of dispatches sent by the Governor to Washington City. Read first and second times and referred to Committee on Finance.

Mr. Guinn offered the following resolution :

*Resolved*, That the Judiciary Committee be instructed to enquire into the expediency of amending the Penal Code, relative to tampering, by white men, with slaves, through free negroes or otherwise, and that they report by bill or otherwise. Adopted.

Mr. Potter introduced a bill providing what shall be sufficient *prima facie* evidence in certain cases in suits brought by the State of Texas. Read first and second times, and referred to the Committee on the Judiciary.

A message was received from the House informing the Senate that the House had passed a bill making an appropriation for the mileage and per diem of members and officers of extra session of the 8th Legislature.

On motion of Mr. Hyde, the bill was taken up and read first time. Rule suspended read second time.

Mr. Grimes moved to refer to the Committee on Finance. Lost.

The bill then passed to a third reading.

Mr. Throckmorton moved to strike out “\$40,000,” and insert “\$10,000.” Lost.

Mr. Grimes moved to insert after “\$40,000,” “or so much thereof as may be necessary.” Carried.

Mr. Hart moved to strike out “\$40,000” and insert “\$20,000” which was lost by the following vote:

YEAS—Messrs. Erath, Gentry, Hart, Throckmorton and Whaley—5.

NAYS—Messrs. Blanch, Britton, Chambers, Duggan, Fall, Grimes, Guinn, Harmon, Herbert, Hyde, Lott, Martin, Miller, Parsons, Potter, Quinan, Rains, Schleicher, Shepard, and Stockdale—20.

Bill read third time and passed.

A message was received from the House informing the Senate,

that the House had concurred in the Senate's amendment to a bill making an appropriation for pay and mileage of members and pay of officers of extra session of the 8th Legislature.

Mr. Parsons moved that the Delegates to the Convention be invited to seats within the bar of the Senate—carried.

Mr. Hart moved to adjourn till 3 o'clock, P. M.

On motion of Mr. Stockdale, the Senate adjourned until to-morrow 10 o'clock, A. M.

---

FRIDAY, Jan. 25, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Potter, Chairman of the Committee on the Judiciary, reported a bill providing what shall be sufficient *prima facie* evidence in certain cases in suits brought by the State of Texas, and recommended its passage.

Mr. Townes, from the Committee on Enrolled Bills, reported a Joint Resolution, repealing the Joint Resolutions in response to the Governor's Message on Kansas Affairs, correctly enrolled and this day presented to the Governor.

Mr. Duggan introduced a bill to attach the county of Wilson, to the 18th Judicial District, and to amend the act entitled an act to provide for the time of holding the Courts of the several counties in the 18th Judicial District, approved February 11, 1860. Read first time.

On motion of Mr. Duggan, rule suspended, read second and ordered to be engrossed. Rule further suspended, bill read third time and passed.

Mr. Blanch offered the following resolution:

*Resolved* That the Committee on Finance be, and are hereby instructed to inquire into the expediency of revising the Tax Law of the last session of the Legislature, and to report by bill or otherwise. Adopted.

Mr. Stockdale introduced a bill to incorporate the Lavaca Wharf Company. Read first and second times and referred to the Committee on Internal Improvements.

Mr. Erath introduced a Joint Resolution, to send delegates to a Convention of border States. Read first and second times and referred to the Committee on State Affairs.

Mr. Townes, by leave, presented the memorial of R. T. P. Allen, asking an appropriation of lands for school purposes.

Read first and second times and referred to the Committee on the Militia.

Mr. Stockdale, Chairman of the Committee on Enrolled Bills, reported a bill in relation to the procurement of money due by the United States to the State of Texas, correctly enrolled, properly signed, and this day presented to the Governor.

A Message was received from the House, informing the Senate that the House had passed Senate's bill to define the time of holding Courts in the 19th Judicial District.

Mr. Paschal, Chairman of the Committee on Internal Improvements, made the following report:

The Committee on Internal Improvements, to whom was referred the following bills, have considered the same and have instructed me to report the same and to recommend their passage.

An act for the relief of the Houston and Texas Central Railroad Company.

An act to amend an act entitled an act to amend an act entitled an act to incorporate the Columbus and San Antonio and Rio Grande Railroad Company, passed February 8, 1860.

A bill to amend an act to incorporate the Air Line Railroad Company.

An act supplementary to an act to incorporate the Houston, Trinity and Tyler Railroad Company, and to the acts amendatory of and supplemental thereto.

The same committee have also instructed me to originate and present to the Senate, the following bills, and to recommend their passage:

A bill supplemental to and amendatory of an act entitled an act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved September 5, 1850, and supplemental to and amendatory of the several acts supplemental to and amendatory of the above recited act, and an act for the relief of Railroads in Texas.

A Message was received from the House, informing the Senate that the House had passed a bill making an appropriation to pay the mileage and per diem of the Presidential Electors, and a bill directing how the proceeds of the sale of the University Lands now in the Treasury, shall be applied.

On motion of Mr. Parsons, a bill directing how the proceeds of the sale of University Lands now the Treasury, shall be applied, was taken up, read first and second times and referred to the Committee on Finance.

On motion of Mr. Parsons, a bill making an appropriation to

pay the mileage and per diem of the Presidential Electors, was taken up and read first time, rule suspended, read second time and passed to a third reading, rule further suspended, bill read third time and passed.

Mr. Quinan introduced a bill for the relief of the Houston Tap and Brazoria Railway Company. Read first time.

On motion of Mr. Herbert, rule suspended, read second time, and ordered to be engrossed. Rule further suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Blanch, Britton, Chambers, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Quinan, Schleicher, Shepard and Walker—21.

NAYS—Mr. Miller—1.

A Message was received from the Governor, transmitting the ordinance of secession of the State of Alabama, accompanied by a communication from the President of the Convention of that State, all of which here follows:

On motion of Mr. Grimes, the communications were taken up and read.

On motion of Mr. Potter the same were transmitted to the House of Representatives.

On motion of Mr. Parsons, the Secretary was directed to transmit a copy to the President of the Convention, to meet in this city on the 28th inst., when that body shall be organized.

On motion of Mr. Potter, the bill supplementary to an act to incorporate the Houston, Trinity and Tyler Railroad Company, and the Acts amendatory of and supplemental thereto, was taken up. Read second time.

Mr. Gentry offered the following amendment:

Provided that the Southern terminus of said Railroad shall be within the corporate limits of the City of Houston.

Mr. Potter moved to lay the amendment on the table. Carried.

The bill was then ordered to be engrossed.

On motion of Mr. Potter, the rule was suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Blanch, Britton, Chambers, Duggan, Erath, Fall, Grimes, Guinn, Harman, Herbert, Hyde, Lott, Martin, Miller, Parsons, Pitts, Quinan, Rains, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—25.

NAYS.—Messrs. Gentry, Hart and Schleicher—3.

On motion of Mr. Herbert, a bill to amend an act entitled an act to amend an act to incorporate the Columbus, San

Antonio and Rio Grande Railroad Company, passed February 8, 1860, was taken up and ordered to be engrossed. Rule suspended, read third time and passed by the following vote:

YEAS—Messrs. Blanch, Britton, Chambers, Duggan, Erath, Fall, Gentry, Grimes, Quinan, Harman, Hart, Herbert, Hyde, Martin, Miller, Parsons, Paschal, Pitts, Potter, Quinan, Raines, Schleicher, Stockdale, Throckmorton, Townes, Walker and Whaley—27.

NAYS—None.

On motion of Mr. Shepard, a bill to amend an act to incorporate the Air Line Railroad Company, was taken up and ordered to be engrossed. Rule suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Blanch, Britton, Chambers, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hyde, Lott, Martin, Millier, Parsons, Paschal, Pitts, Raines, Schleicher, Shepard, Stockdale, Towns, Walker and Whaley—24.

NAYS—Messrs. Hart, Herbert and Throckmorton—3

On motion of Mr. Potter, a bill for the relief of the Houston and Texas Central Railway Company, was taken up and ordered to be engrossed. Rule suspended read third time and passed by the following vote:

YEAS—Messrs. Blanch, Britton, Chambers, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Hyde, Lott, Martin, Miller, Parsons, Paschal, Pitts, Potter, Quinan, Raines, Schleicher, Shepard, Stockdale, Walker and Whaley—27.

NAYS—Mr. Throckmorton—1.

On motion of Mr. Schleicher, a bill supplemental to and amendatory of an act to incorporate the San Antonio and Mexican Gulf Railroad Company, and supplemental to and amendatory of the several acts supplemental to and amendatory of the above recited act, was taken up and ordered to be engrossed. Rule suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Blanch, Britton, Chambers, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Hyde, Lott, Martin, Miller, Parsons, Paschal, Pitts, Potter, Quinan, Raines, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—28.

NAYS—None.

On motion of Mr. Paschal, a bill for the relief of Railroads in Texas, was taken up. Read second time.

Mr. Blanch offered the following amendments:

In line first of second section, insert between the consecutive

words "locating" and "the," the words "the line of road or." Adopted.

Mr. Throckmorton offered the following amendment:

Insert between the word "complete" and "any" in fourth and fifth lines the following: "the grading or entire completion of." Adopted.

Mr. Stockdale offered the following amendment, to come in at the end of first section:

"Provided further, that the provisions of this section shall operate only to suspend the requirements of the several laws as above provided, until the first day of January, 1863, after which date the requirements of such laws shall have full force and effect."

On motion the bill and amendment was made the special order for to-morrow at 10 o'clock, A. M.

On motion the Senate adjourned until 10 o'clock, A. M. to-morrow.

---

SATURDAY, January 26th, 1861.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Walker presented the petition of B. F. Barklay, William Greenup and William C. Trimble. Referred to committee on Claims and Accounts.

Mr. Shepard, chairman of the committee on State Affairs made the following report:

The committee on State Affairs to whom was referred the Joint Resolutions with regard to coercion, have respectfully considered the same and instructed me to report the accompanying resolutions as a substitute therefor :

#### JOINT RESOLUTIONS.

*Be it resolved by the Legislature of the State of Texas,* That in view of the exigencies of the times we deem it proper to declare,

That when the sovereign States of this Confederacy entered into the compact of Union, they delegated to the Federal Government no power to compel by force of arms obedience by the States, to the Federal Authority, but on the contrary such power was expressly denied.

That employment therefore, of force by the Federal Government, to compel any State of this Union to perform its obliga-

tions under the Federal compact ; or to compel a State against the will of its people to remain a member of this Confederacy, is in violation of the Constitution, a dangerous usurpation of power, destructive of the right of free Government, and fatal to the existence of the Union itself; which, formed of equal and independent sovereignties, can not be, as between conquering States and subjugated provinces.

That should, as we have serious reason to apprehend may be, in the present condition of the Union, the Federal Government attempt to coerce any of our sister States of the South by force of arms into subjection to Federal rule ; we assure such State of the sympathies of our people, and that we shall make common cause with them in resisting by all means and to the last extremity, such unconstitutional violence and tyranical usurpation of power.

On motion of Mr. Shepard, the resolutions were taken up, substitute adopted, and ordered to be engrossed.

On motion of Mr. Guinn, rule suspended.

Mr. Grimes moved to strike out these words "and fatal to the existence of the Union itself." Lost.

The resolution was then passed by the following vote :

YEAS—Messrs. Blanch, Chambers Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harmon, Hart, Herbert, Hyde, Lott, Martin, Miller, Parsons, Paschal, Pitts, Potter, Quinan, Raines, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley.—28.

NAYS—None.

A message was received from the House informing the Senate that the House had passed, Senates bill to give additional time for holding the courts in the 20th Judicial District, and to change the time of holding courts in certain counties in said district.

Mr. Grimes, chairman of the committee on Finance, to whom was referred, a bill to provide the payment of the expenses incurred by special bearer of despatches sent by the Governor to Washington City, reported the same to the Senate and recommended its passage.

Mr. Blanch offered the following resolution:

*Resolved*, That the committee on State Affairs be, and are hereby instructed to enquire into the expediency of changing the existing law regulating the appointment of Physician of Lunatic Asylum, Superintendent of Deaf and Dumb Asylum and of State Geologist. Adopted.

Mr. Erath offered the following resolution :

*Resolved*, That the Finance committee be requested to enquire

what amount of funds may be used from unexpended appropriations on deposit in the Treasury for public use. Adopted.

Mr. Fall, chairman of the committee on Engrossed bills, reported the following bills correctly engrossed:

A bill providing what shall be sufficient *prima facie* evidence in certain cases in suits brought by the State of Texas.

A bill supplemental to and amendatory of an act entitled an act to incorporate the San Antonio and Mexican Gulf Railroad Company, and supplemental to and amendatory of the several acts supplemental to and amendatory of the above recited act.

A bill for the relief of the Houston Tap and Brazoria Railway Company.

A bill for the relief of the Houston and Texas Central Railway Company.

A bill supplemental to an act to incorporate the Houston, Trinity and Tyler Railroad Company, and to the acts amendatory and supplemental thereto.

A bill to give additional time for holding the courts in the 20th Judicial District, and to change the time of holding courts in certain counties in said district.

A bill to amend an act entitled an act to amend an act entitled an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 8th, 1860.

A bill to attach the county of Wilson, to the eighteenth Judicial District, and to amend the act entitled an act to provide for the time of holding the courts in the several counties in the eighteenth Judicial District, approved 11th February, 1860.

Mr. Quinan introduced the following resolution:

*Resolved*, That a committee of five be appointed from the Senate, and that the House be requested to appoint a committee of seven to act as a joint committee of both houses to inquire and report whether any and what measures are necessary in the present state of our Federal relations for the security of the school fund invested in United States bonds. Adopted.

The President appointed Messrs. Quinan, Throckmorton, Lott, Potter and Blanch, the committee of the Senate.

A bill for the relief of Railroads in Texas being the special order, was taken up.

Mr. Blanch offered a substitute which was adopted, and ordered to be engrossed. Rule suspended, read third time and passed.

On motion the Senate adjourned until 10 o'clock A. M., on Monday.

MONDAY, Jan. 28, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of Saturday was read and adopted.

Mr. Schleicher presented the petition of sundry citizens of Boerne county, with regard to the boundaries of said county. Referred to the Committee on County Boundaries.

Mr. Erath presented the petition of George Barnard, for relief. Referred to the Committee on Private Land Claims.

Mr. Walker presented the petition of E. S. Terrell. Referred to the Committee on Private Land Claims.

Mr. Grimes, Chairman of the Committee on Finance, made the following report:

In obedience to a resolution of the Senate, requiring the Finance Committee to examine what amount of funds may be used from unexpended appropriations or deposits in the Treasury, for the public use. They have obtained from the Treasury a statement of all the funds in the Treasury, from which they believe the following may be appropriated, for the common purposes of supporting the State Government, to wit:—Revenue of the State in specie, \$3,951 59. Sales of University lands in specie, \$9,768 62. In five per cent. United States bonds, \$25,000. The two last amounts belong to the University fund. The University not being likely to go into operation, your committee are of opinion that the fund might be used by the State and replaced from the State revenue, whenever the University shall be put into operation.

INTEREST.—Coupons not yet collected,	- - -	\$ 3,550 00
Social deposits,	- - - -	17,313 00

This amount has been accumulating in the Treasury since the commencement of our State Government. Some portion thereof may be applied for, when it would be the duty of the Government to supply the means to pay the amount applied for, but far the greater part, may never be applied for by the legal heirs, or persons authorized to receive the same.

Escheated property, \$2,183 01. Making in the whole, the sum of of \$61,766 22, which your committee are of opinion may be used for purposes of State Government.

Your committee have therefore offered the following substitutes for the two bills referred and recommend their passage.

An act directing how certain funds now in the Treasury, shall be applied.

A bill making an appropriation to pay for supplies furnished the troops now on the frontier.

Mr. Duggan, Chairman of the committee on Counties and County Boundaries, made the following report:

Your committee on County and County Boundaries, to whom was referred the petition of sundry citizens of the counties of Nueces, San Patricio and Bee, asking a change of the boundaries of said counties, have instructed me to report the same back and ask to be discharged from its further consideration at the present called session of the Legislature, as they deem it unadvisable to enter upon that character of legislation at the present time.

Mr. Paschal, Chairman of the committee on Internal Improvements, to whom was referred a bill to incorporate the Lavaca Wharf Company, reported the bill and recommended its passage with the following amendments:

Add after "Company," fifth line from bottom, first page, "provided the property so owned by said Company, shall not exceed in value at any one time, two hundred thousand dollars.

2nd.—Strike out all after the word "same," on first line of third page, to "birth," on eighth line of same page, inclusive of "berth."

3rd.—Add section to be numbered as section 11, as follows, to-wit: "That this act take effect and be in force from and after its passage, and continue in force thirty years and no longer."

Mr. Parsons introduced a bill concerning the Eastern Texas Railroad Company. Read first and second times and referred to the committee on Internal Improvements.

Mr. Erath introduced a bill to allow the holders of claims for money against the State, to take lands in lieu thereof, and to receive such claims for dues on lands. Read first and second times and referred to the committee on Public Lands.

On motion of Mr. Parsons, Mr. H. P. O. Dulaney, Senator elect from the fourteenth Senatorial district, composed of the counties of Shelby and Panola, came forward, took the oath of office and his seat.

A message was received for the House, informing the Senate that the House had passed a Joint Resolution concerning the Convention of the people of Texas, called in pursuance of the Bill of Rights.

On motion, the Joint Resolution was taken up. Read first time, rule suspended, read second time.

Mr. Gentry offered a substitute therefor.

Mr. Quinan moved to lay the substitute on the table.

Mr. Throckmorton moved a call of the Senate, which was sustained.

The Senate being full the yeas and nays were taken on the motion to lay on the table and stood as follows:

**YEAS**—Messrs. Blanch, Chambers, Duggan, Dulany, Erath, Grimes, Guiun, Harmon, Herbert, Lott, Martin, Miller, Parsons, Pitts, Quinan, Shepard, Stockdale, Walker and Whaley—20.

**NAYS**—Messrs. Britton, Fall, Gentry, Hart, Hyde, Paschal, Rains, Schleicher, Throckmorton and Townes—10.

So the motion prevailed.

Mr. Towns then offered the following amendments:

1st.—The preamble between the words “public affairs” and “to determine,” insert the words “with a view.”

2nd.—Strike out all after and including the words “then the Ordinance of said Convention resuming” and insert “then the action of said Convention to be submitted to the people, for ratification or rejection at the ballot box, at the earliest time practicable after its adjournment.”

3rd.—In the first resolution at the conclusion add the words, “for the purposes and to the extent aforesaid.”

4th.—Add the following resolution:

The Ordinance dissolving the relation of the State with the Union, should, as soon as consistent with a full and fair vote, be submitted to the qualified electors of the State, for ratification or rejection.

5th.—At the same time the vote is taken on said Ordinance, the qualified Electors should elect delegates to a general Convention, for the purpose of amending the State Constitution, so far as to conform it to the relations of the State to the Union, at the time the Convention assembles.

6th.—If a new Convention should not be ordered, and the Convention elect on the 8th of January, 1861, should adjourn to reassemble, there should be an election of delegates thereto, on the same day in which the Ordinance is submitted to the people in each Representative district, in which less than a majority of the qualified electors cast their votes on the said 8th of January, to sit in the adjourned Convention, with the delegates who did receive a majority of the votes of their respective districts.

Mr. Herbert moved to lay the amendments on the table.

Mr. Martin moved a call of the Senate. Sustained.

Senate being full the amendments were laid on the table by the following vote:

**YEAS**—Messrs. Blanch, Chambers, Duggan, Dulany, Erath, Gentry, Grimes, Guinn, Harmon, Herbert, Lott, Martin, Miller, Parsons, Pitts, Potter, Quinan, Shepard, Stockdale and Whaley.—20.

**NAYS**—Messrs. Britton, Fall<sup>1</sup>, Hart, Hyde, Paschal, Rains, Schleicher, Throckmorton, Townes and Walker—10.

Rule suspended, bill read third time and passed by the following vote:

**YEAS**—Messrs. Blanch, Britton, Chambers, Duggan, Dulaney, Erath, Fall, Gentry, Grimes, Guinn, Harmon, Herbert, Hyde, Lott, Martin, Miller, Parsons, Pitts, Post, Quinan, Schleicher, Shepard, Stockdale, Walker and Whaley—25.

**NAYS**—Messis. Hart, Paschal, Rains, Throckmorton and Townes—5.

Mr. Stockdale, Chairman of the committee on Enrolled Bills, reported a bill to give additional time for holding the Courts in the 20th Judicial District, and to change the time of holding Courts in certain counties in said district, correctly enrolled, properly signed and this day presented to the Governor.

On motion the Senate adjourned until to-morrow, 10 o'clock, A. M.

---

TUESDAY, January 29th, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Grimes presented the petition of sundry citizens of Montgomery county, in reference to the Union. Referred to the committee on State Affairs.

Mr. Walker, chairman of the committee on Public Lands, to whom was referred a bill to allow holders of claims for money against the State, to take land in lieu thereof, and to receive such claims for dues on lands; reported the bill to the Senate and recommended its passage with the following amendment:

Amend by striking out two first sections of the bill.

Mr. Erath introduced a bill to define the time of holding the District courts in the seventeenth Judicial District. Read first and second times and referred to the committee on the Judiciary.

Mr. Guinn offered the following resolution:

*Resolved*, That the Senate will not entertain any business of a private or local nature, the present session.

Mr. Gentry moved to strike out “local.” Carried.

The resolution was then adopted.

The President of the Senate placed Mr. Dulaney on the committees on the Judiciary, on State Affairs and Enrolled Bills.

Mr. Erath introduced a bill making appropriations for the protection of the frontier and paying for former expenditures. Read first and second times and referred to the committee on Finance.

#### ORDERS OF THE DAY.

A bill to reorganize the eighteenth Judicial District, and regulating the time of holding courts therein. Read first time.

On motion of Mr. Duggan, rule suspended, read second time and passed to a third reading, rule further suspended bill read third time and passed.

A bill to provide the payment of expenses incurred by special bearer of dispatches sent by the Governor to Washington City. Read and ordered to be engrossed, rule suspended bill read third time and passed by the following vote :

YEAS—Messrs. Blanch, Dulaney, Erath, Fall, Gentry, Grimes, Quinn, Harmon, Hart, Hyde, Lott, Martin, Miller, Parsons, Potter, Rains, Stockdale, Throckmorton, and Townes—19.

NAYS—Messrs. Duggan, Herbert and Quinan—3.

The report of the committee on Counties and County Boundaries upon the petition of citizens of Nueces, San Patricio and Bee counties, asking to be discharged from the further consideration thereof. Read and adopted.

The report of the committee on Finance, recommending a substitute for bill from the House transferring the amount of money in the Treasury arising from sales of the University lands, and for Senate's bill transferring the same fund for protection of the frontier was adopted.

A bill directing how certain funds in the Treasury shall be applied. Read second time.

Mr. Quinan moved the following amendment :

Add before "provided" the words "and contingent expenses of the," which was adopted, and bill ordered to be engrossed Rule suspended read third time and passed.

A bill making an appropriation to pay for supplies furnished the troops now on the frontier Read second time.

Mr. Quinan offered the following amendments :

Strike out "thirty-five" and insert "twenty-five," stike out "for the purchase of " and insert "to pay for supplies furnished and to purchase," strike out "shall include" and insert "shall be paid out of." Adopted.

The bill was then ordered to be engrossed, rule suspended read third time and passed.

On motion the Senate adjourned until 10 o'clock, A. M., to-morrow.

WEDNESDAY, January 30th, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called quorum present.

The journal of yesterday was read and adopted.

Mr. Chambers presented the petition of the county court of Cass county regarding the boundary line of said county. Referred to the committee on County Boundaries.

Mr. Martin presented the petition of Henry Lyon. Referred to the committee on Claims and Accounts.

Mr. Guinn made the following report :

The Committee on Claims and Accounts, to whom was referred the petitions of William C. Trimble and others, asking relief, have instructed me to return them and ask to be discharged from the further consideration thereof, because they come under that class of Legislation that the Senate has decided, by a resolution this morning, not to entertain during the present extra session.

Mr. Dulaney introduced the following bills, which were read the first and second times and referred to the committee on the Judiciary, viz :

A bill regulating the settlement of estates of deceased persons, and

A bill to amend art. 1049 sec. 4. of the law relating to the selection of jurors, passed February 13th, 1858.

A Message was received from the House informing the Senate that the House had passed the following bills originating in the Senate, viz :

A bill to amend an act to incorporate the Air Line Railroad Company.

A bill for the relief of the Houston Tap and Brazoria Railroad Company.

A bill to amend an act to amend an act entitled "an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company," passed February 8th, 1860.

A bill supplemental to and amendatory of an act entitled an act to incorporate the San Antonio and Mexican Gulf Railroad Company and the acts supplementary to and amendatory of the above recited act, and

A joint resolution relative to coercion.

Also, that the House had passed the following bills, from the Senate with amendments, viz :

A bill supplementary to an act to incorporate the Houston, Trinity and Tyler Railroad Company, and the acts amendatory of and supplemental thereto, and

A bill for the relief of the Houston and Texas Central Railroad Company, and

The Senate's substitute for House bill directing how certain funds in the Treasury shall be applied, and the following bills originating in the House, viz:

A bill supplemental to an act to regulate estrays.

A bill changing the time of holding courts in the ninth Judicial District, and

A bill to reorganize the seventeenth Judicial District and to define the time of holding courts therein.

Mr. Britton introduced a bill to amend an act to reorganize the Court of Claims, and to extend the time for the presentation of claims for land against the Republic or State of Texas, approved February 7th, 1860. Read first and second times and referred to the committee on Private Land Claims.

Mr. Guinn offered the following resolution :

*Resolved*, That the sum of \$12 50 be paid to James F. Johnson, Secretary of the Senate, out of the appropriation for the pay, mileage and contingent expenses of the present session of the Legislature, which amount was paid by him for the postage on the caption of the laws and other documents sent to the Senators after the adjournment, by resolution of the Senate. Adopted.

#### ORDERS OF THE DAY.

The report of the committee on Internal Improvements on a bill to incorporate the Lavaca Wharf Company, offering amendments thereto, was read, amendments adopted and bill ordered to be engrossed. Rule suspended, bill read third time and passed by a unanimous vote.

A bill to allow holders of claims for money against the State to take lands in lieu thereof, and to receive such claims for dues on lands, together with the report of the committee on Public Lands, offering an amendment thereto, was read.

On motion of Mr. Quinan the bill and report were referred to the committee on Finance by the following vote :

YEAS—Messrs. Blanch, Duggan, Dulaney, Gentry, Guinn, Herbert, Martin, Miller, Parsons, Paschal, Pitts, Potter and Quinan—13.

NAYS—Messrs. Britton, Erath, Fall, Grimes, Harmon, Hart, Hyde, Lott, Rains, Schleicher, Throckmorton and Whaley—13.

There being a tie, the President voted in the affirmative.

A bill to reorganize the sixteenth Judicial District, and

A bill changing the time of holding courts in the ninth Judicial District, were severally read the first and second times and referred to the committee on the Judiciary.

A bill supplemental to an act to regulate estrays. Read first

and second times and referred to the committee on Stock and Stock Raising.

A message was received from the Governor transmitting the report of the Superintendant of the Lunitic Asylum, which was read and is as follows :

EXECUTIVE DEPARTMENT, }  
Austin Texas, Jan., 30, 1861. }

To HON. ED. CLARK,

*President of the Senate:*

SIR :—Enclosed, I have the honor to submit the report of the Superintendant of the State Lunatic Asylum, and commend the same to the consideration of your honorable body.

SAM HOUSTON.

---

To HIS EXCELLENCY,

SAM HOUSTON—GOVERNOR:

*Sir:*—In order that the Legislature may be enabled to lay before the people of the State at large, such information as may be desired, and to remove the vast anxiety which so extensively exists in the public mind, with regard to the Institution over which I have charge, and to respond to various and repeated inquiries from all parts of the State.

I have the honor to submit to your Excellency, the following condensed report in relation to the State Lunatic Asylum ; its condition, progress, &c., &c., since my official connection therewith, desiring that you will lay the same before both branches of the Legislature at an early day.

From it you will be informed that all contracts subsequent to my appointment, have been completed and in charge of an Agent on the part of the State. Embracing the completion of the second receding building ; the erection and completion of various other stone out-houses, and purchase of two additional frame buildings, with many other improvements, viz: Enclosures ; stone wall, encompassing the entire building ; flagging with sundry other improvements, and expenses including the entire of the expenditure under the act approved February 11th, 1860, making an appropriation for completing the present buildings ; for enclosing and erecting out-houses and grounds, and for the organization, support and maintenance of the Lunatic Asylum, for the years 1860 and 1861 ; and since my connection with the Institution amounting in the aggregate to the sum of twenty-two thousand seven hundred and fifty-one dollars and forty-one cents, as furnished by the Treasurer and as per vouchers on file.

Having directed your attention to the amount thus expended and its application, I regret to inform you, that the Asylum is yet incomplete, although the building commissioners having extended the Contrader, (Glascock's) term of completion from January 1860 to the ensuing July, it will therefore be seen, that circumstances over which we could have no control solely retarded us, and prevented our Asylum of being at least for the past six months duly organized, "namely :" The default of the contracting parties in failing to complete the building in accordance with the time specified and the terms agreed upon on behalf of the State.

However, I deem it not unimportant to add that the burning of the contractor's Mills, in consequence of which a considerable portion of the material of the Asylum deposited therein had been consumed and destroyed, has been assigned on the part of the contractor as the proximate cause and immediate reason of this unforeseen and to us unanticipated delay.

But notwithstanding the delay arising from these unexpected disappointments and unavoidable contingencies, it is nevertheless gratifying to me, to inform you that the requirements of the contract will be accomplished in a few days, from the date hereof, and I am far from once imagining, or for a moment contemplating that any emergency will arise to impede or retard our complete and ample organization in a few weeks thereafter.

I deem it my duty also to inform you, that I have, in compliance with your orders, as already reported to your Excellency, visited several similar Southern Institutions where an ample opportunity has been afforded me of fully ascertaining the rules and regulations by which they are governed and conducted, their different modes and varying systems of operation, and from the knowledge thus acquired and the information herein obtained, combined with my own practical experience and the co-operation of a benevolent and intelligent Board of Managers. I ardently entertain the most confident anticipations of entering upon the no less important than onorous and responsible duties that will devolve upon me as Medical officer and Superintendent of the Institution with the highest hopes and most sanguine expectations of its salutary and beneficial results and effects in the restoration of some of those whom their Creator inscrutable in his judgments, has been pleased to deprive of their mental faculties and afflict with the melancholy visitation of Insanity.

The applications for admission having already exceeded a greater number than can be accommodated, it with no doubt be a source of disappointment to many to learn, that not more than

sixty patients can be admitted, and for the accommodation of this number it will be necessary to have a plurality in some of the larger and more commodious rooms when a congeniality of disposition in the inmates will guarantee to the Medical Officer the safety and prudence of their being thus associated.

I would take pleasure in calling the attention of your Excellency to particulars bearing upon the interests of the Institution, but as your attention is occupied with subjects of greater importance, I will forbear at present intruding brief allusions.

Having conveyed to you in this condensed report all that I deem important or essential to communicate, I will indulge the hope that our Asylum will be in complete and ample organization early in the ensuing March, a due notification of which will be timely transmitted to the Chief Justices in particular, and to the people in general, throughout the State. With an humble and confiding reliance on the aid of Divine Providence we will enter upon our future operations.

I am sir, very respectfully,

Your obedient servant,

B. GRAHAM, M. D.,

*Superintendent Lunatic Asylum.*

SUPERINTENDENT'S OFFICE, }  
AUSTIN, Jan. 28, 1861. }

On motion of Mr. Lott, five hundred copies of the report were ordered to be printed for the use of the Senate.

The amendments of the House to a bill supplementary to an act to incorporate the Houston, Tyler and Trinity Railroad Company were concurred in by the Senate.

A bill for the relief of the Houston and Texas Central Railroad Company with an amendment of the House, was referred to the committee on Internal Improvements.

The following message was received from the Governor, transmitting resolutions of the Tennessee Legislature.

EXECUTIVE DEPARTMENT,  
AUSTIN, TEXAS, Jan. 30th, 1861. }

Gentlemen of the Senate

and House of Representatives:

I have the honor to transmit to your honorable body, the

Joint Resolutions adopted by the Legislature of the State of Tennessee, in reference to certain resolutions adopted by the Legislature of the the State of New York.

In these perilous times it is proper that the Representatives of the people of Texas, should meet at the threshold, every assault upon their liberties, and whether that assault comes in the form of threats or actual invasion it should alike be repelled. Having called you together to provide for an expression of the sovereign will of the people at the ballot-box, I also, deem it my duty to declare, that while the freeman of Texas are deliberating upon this question, no impending threat of coercion from the people of another State, should be permitted to hang over them, without at least meeting the condemnation of their Representatives.

Whatever that sovereign will may, be, when fairly expressed, it must be maintained. Texas as one man, will defend it, and while the Executive would not counsel foolish bravado, he deems it a duty we owe to the people, to declare that even though ther action shall bring upon us the consequences which now seem impending, we will all, be our views in the past and the present what they may, be united.

SAM HOUSTON.

### *JOINT RESOLUTIONS*

*Adopted by the Legislature of Tennessee.*

*Resolved by the General Assembly of the State of Tennessee,* That this General Assembly has heard with profound regret of the resolution recently adopted by the State of New York, tendering men and money to the President of the United States, to be used in coercing certain sovereign States of the South into obedience to the Federal Government.

*Resolved* That this General Assembly receives the action of the Legislature of New York as the indication of a purpose upon the part of the people of that State to further complicate existing difficulties, by forcing the people of the South to the extremity of submission or resistance, and so regarding it, the Governor of the State of Tennessee is hereby requested to inform the Executive of the State of New York, that it is the opinion of this General Assambly that whenever the authorities of that State shall send armed forces to the South for the purposes indicated in said resolution, the people of Tennessee,

uniting with their brethren of the South, will, as one man, resist such invasion of the soil of the South, at all hazards and to the last extremity.

W. C. WHITTHORNE,  
*Speaker of the House of Representatives,*  
TAZ W. NEMAN,  
*Speaker of the Senate.*

Adopted, Jan. 18th, 1861.

---

On motion of Mr. Quinan the message and resolutions were transmitted to the House of Representatives, and one thousand copies of each ordered to be printed for the use of the Senate.

On motion the Senate adjourned until 10 o'clock, A. M., to-morrow.

---

THURSDAY, January 31st, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a bill to allow holders of claims for money against the State, to take land in lieu thereof, and to receive such claims for dues on lands, reported the same to the Senate without amendment, and recommended its passage.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a bill changing the time of holding the District Courts in the ninth Judicial District, also

A bill to reorganize the sixteenth Judicial District and define the time of holding courts therein, reported the same to the Senate and recommended its passage.

Mr. Martin, chairman of the committee on Stock and Stock Raising, to whom was referred a bill supplemental to an act to regulate estrays, reported the same to the Senate and recommended its passage with following amendments:

“Strike out in the first section, these words, “but he may notify the owner of the brand, and if not taken away in three months he may then proceed to estray the same.”

Mr. Paschal, chairman of the committee on Internal Improvements, made the following report:

The committee on Internal Improvements to whom was refer-

red the Senate's bill with House amendments for the relief of the Houston Central Railroad, have duly considered the amendments of the House, and I am instructed by the committee to recommend that the Senate refuse to concur in the amendments of the House.

Mr. Townes from the committee on Enrolled bills, reported the following bills and resolutions correctly enrolled and presented to his Excellency the Governor.

An act to amend an act entitled an act to amend an act entitled an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 8th 1860.

An act for the relief of the Houston Tap and Brazoria Railroad Company.

An act to amend an act to incorporate the Air Line Railroad Company.

A joint resolution relative to coercion.

An act to reorganize the eighteenth Judicial District, and regulate the time of holding courts therein, and

A joint resolution concerning the Convention of the people of Texas, called in pursuance of the Bill of Rights.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred, a bill to reorganize the sixteenth Judicial District, and define the time of holding courts therein, reported the same to the Senate and recommended its passage.

Mr. Walker offered the following resolution :

*Resolved*, That the Judiciary committee take into consideration, the propriety of passing a law to authorize the issuance of a duplicate for any land certificate, scrip or other evidence of title to land, that may be lost where any part owner of the same may apply and make an affidavit of his part ownership, and the loss of said claim, without being required to produce the affidavit of the other part owners, and that said committee report by bill or otherwise. Adopted.

Mr. Fall, chairman of the committee on Engrossed Bills, reported a bill to incorporate the Lavaca Wharf Company, correctly engrossed.

Mr. Quinan, from the committee on State Affairs, reported a Joint Resolution suspending the Geological Survey of the State and dispensing with employees therein, and recommended its passage. Read first time.

On motion of Mr. Guinn, a bill changing the time of holding the courts in the ninth Judicial District was taken up. Read second time.

Mr. Guinn offered the following amendments:

Strike out in first section, fifteenth line, the word "two" and insert "three." In first section, sixteenth and seventeenth line, strike out "fourteenth" and insert "fifteenth." Adopted and bill passed to a third reading. Rule suspended, read third time and passed.

A message was received from the House informing the Senate that the House had passed a bill to provide for the protection of the frontier of Texas which, on motion of Mr. Britton, was taken up. Read first and second times and referred to the committee on the Militia.

Mr. Whaley introduced a bill supplemental to an act to provide for the organization of the Militia of the State of Texas, approved February 14, 1860. Read first and second times and referred to the committee on the Militia.

Mr. Gentry moved to print 100 copies. Lost.

Mr. Dulaney offered a Joint Resolution to provide for the payment of the Delegates now assembled in State Convention. Read first and second times and referred to committee on Finance.

On motion of Mr. Gentry a bill for the relief of the Houston and Texas Central Railway Company, on the report of the committee on Internal Improvements, recommending a refusal to concur in the amendments of the House was taken up, and report adopted.

Whereupon Messrs. Gentry, Martin and Throckmorton were appointed a committee of conference.

On motion the Senate adjourned until to-morrow morning 10 o'clock.

---

FRIDAY, February 1st, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Potter introduced a bill conferring admiralty and maritime jurisdiction and practice upon the district courts of the State of Texas. Read first and second times and referred to the committee on the Judiciary.

Mr. Schleicher introduced a bill to incorporate the Uvalde Irrigation Company. Read first and second times and referred to the committee on Internal Improvements.

Mr. Britton, chairman of the committee on the Militia, to whom was referred the House bill to provide protection for the

frontier by minute men, reported the same back to the Senate and recommended its passage, after striking out in the latter clause so much thereof as relates to the repeal of the act of January 2nd 1860. Say from the words, "that an act approved January 2nd &c.," down to the order of the Governor.

On motion of Mr. Britton the rule was suspended bill taken up, and

On motion of Mr. Hart, made special order for to-morrow 11 o'clock, A. M.

Mr. Erath introduced a bill to incorporate the Port Sullivan Railroad Company. Read first and second times and referred to the committee on Internal Improvements.

Mr. Townes introduced a joint resolution construing a part of the act for the protection of the frontier. Read first and second times and referred to the committee on Militia.

Mr. Gentry introduced a bill for the relief of the Texas and New Orleans Railroad Company. Read first and second times and referred to the committee on Internal Improvements.

Mr. Townes, from the committee on Public Buildings, to whom was referred the Senate resolution to enquire into the contract made with Boyce and Sawyer for re-covering the Capitol and Old Land Office Buildings, reported that by the authority of a joint resolution of the Legislature, the Governor and Comptroller on the 2nd day of March 1858, entered into a contract with R. P. Boyce, and J. B. Sawyer, by which they bound themselves to re-model and to re-cover the roofs of the Capitol and the Old Land Office with West's Galvanic Cement; and warranted it to be wind, water and fire proof, and so to continue for the term of ten years from its completion, and so to keep said roofs for said term. That these parties bound themselves for the faithful performance of their contract in an obligation with Jas. W. Henderson, Geo. Brehurst and J. W. Schrimple as surties in the sum of twelve thousand dollars, and the State agreed to pay, and did pay them five thousand nine hundred dollars for said work. They further report that the roofs on the Capitol and on the Old Land Office are now and have been for more than a year defective, and leaking letting in the water whenever it rains to the great damage of the buildings, and their contents, so that said contract has been broken, and the bond forfeited, so far at least as to make it incumbent on the parties to repair the roofs and make them water proof.

The committee therefore report the accompanying joint resolutions and recommend their passage:

Joint Resolutions with regard to the contract for roofing the Capitol.

On motion of Mr. Townes the resolutions were taken up, read first time. Rule suspended read second time and ordered to be engrossed, rule further suspended read third time and passed.

Mr. Grimes, chairman of the committee on Finance to whom was referred the joint resolution making an appropriation to pay the members of the Convention, reported the same to the Senate and recommended its passage with the following amendments :

1st. In the caption after "resolution" insert "making an appropriation to pay the members of the Convention."

2nd. Sec. 1. line 4. After "dollars" insert, "or so much thereof as may be necessary."

Mr. Townes, from the committee on Enrolled Bills reported a bill supplementary to an act to incorporate the Houston, Trinity and Tyler Railroad Company, and to the acts amendatory of and supplemental thereto, correctly enrolled and this day presented to the Governor.

A message was received from the House informing the Senate that the House concurred in the Senate's amendment to the House bill changing the times of holding the courts in the nineteenth Judicial District, and that the House had passed a bill originating in that body, to provide for submitting the ordinance of secession to a vote of the people.

#### ORDERS OF THE DAY.

Bill to reorganize the sixteenth Judicial District, and to define the time of holding courts therein. Read second time and passed to a third reading, rule suspended, read third time and passed.

The report of the committee on Finance, recommending the passage of bill to allow holders of Treasury warrants to take land in lieu thereof. Bill read second time.

Mr. Miller offered a substitute therefor.

The question on its adoption being taken, the yeas and nays stood thus :

YEAS—Messrs. Chambers, Duggan, Guinn, Miller, Pitts, Walker, and Whaley—7.

NAYS—Messrs. Blanch, Britton, Dulaney, Erath, Gentry, Grimes, Harmon, Hart, Herbert, Hyde, Lott, Martin, Parsons, Paschal, Potter, Quinan, Schleicker, Shepard, Stockdale, Throckmorton and Townes—21.

Mr. Blanch moved to postpone the further consideration of the bill till to-morrow. Carried.

Mr. Potter introduced a bill to incorporate the Galveston and Houston, Junction Railroad Company. Read first and second times and referred to the committee on Internal Improvements.

The report of the Judiciary committee on a bill to provide the time of holding courts in the seventeenth Judicial District, offering a substitute thereto, read.

Mr. Schleicher offered a substitute for the substitute.

On motion the Senate adjourned until to-morrow 10 o'clock, A. M.

---

SATURDAY, February 2nd, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Stockdale presented the memorial of M. M. Kenny. Referred to the committee on Private Land Claims.

Mr. Throckmorton introduced a bill supplemental to an act entitled an act, for the relief of Myram Mudget, Daniel Kitchens, A. L. Spence, and E. G. Cantwell. Read first and second times and referred to committee on Private Land Claims.

Mr. Chambers introduced a bill to amend an act incorporating the town of Mount Pleasant in Titus county. Read first and second times and referred to the committee on the Judiciary.

Mr. Blanch introduced a bill for the relief of the Southern Pacific Railroad Company. Read first and second times, and referred to the committee on Internal Improvements.

Mr. Scarborough introduced a bill to change the name of the county seat of Hidalgo county. Read first and second times and referred to the committee on County and County Boundaries.

Mr. Potter offered the following resolution:

*Resolved*, As the sense of the Senate that in the present disturbed condition of public affairs, it is the duty of the Legislature to provide means for the defence of the State and to sustain its credit. That such provision should be based as far as it can reasonably be done upon taxation, and that to that end the present rate of taxation, for the use of the State should be increased. Adopted by the following vote:

YEAS—Messrs. Blanch, Chambers, Dulaney, Erath, Gentry, Quinn, Harmon, Hart, Herbert, Hyde, Lott, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Whaley—24.

NAYS—Messrs. Duggan, Grimes, Martin, Miller and Walker—5.

Mr. Potter introduced a bill providing for the sale of a por-

tion of the bonds constituting the special school fund. Read first and second times and referred to joint committee on Special School Fund.

Mr. Townes, from the committee on Enrolled Bills, reported an act to reorganize the sixteenth Judicial District and define the time for holding courts therein, correctly enrolled and this day presented to the Governor.

Mr. Pitts introduced a bill to extend the time for the return of pre-emption field notes. Read first and second times and referred to the committee on Public Lands.

Mr. Potter introduced a bill to provide for the transfer of all the record books, papers and causes of, and now in and pertaining to any of the Federal Courts of the United States of America in the States of Texas, to the appropriate courts of the State of Texas, in case of the happening of a certain event. Read first and second times and referred to the committee on the Judiciary.

A message was received from the House informing the Senate that the House had appointed Messrs. Henderson, Mills, Darnell, Manley and Cumby, a committee of conference on their part on a bill for the relief of the Houston and Texas Central Railway Company.

Also that they had passed the following bills:

A bill to provide for running the county lines between the counties of Marion, Cass and Titus, which was on motion taken up; read first time rule; suspended, read second time and passed to a third reading; rule further suspended read third time and passed, and

A bill prescribing police regulations in respect to slaves which was also taken up, on motion read first and second times and referred to committee on Roads, Bridges and Ferries.

#### ORDERS OF THE DAY.

A bill to define the time of holding the courts in the seventeenth Judicial District being under discussion when the Senate adjourned on yesterday, was taken up, and the question being on the adoption of the substitute offered by Mr. Schleicher, was taken by yeas and nays, resulting as follows:

YEAS—Messrs. Chambers, Gentry, Guinn, Hyde, Martin, Miller, Paschal, Pitts, Schleicher, Shepard and Whaley—11

NAYS—Messrs. Blanch, Duggan, Dulaney, Erath, Grimes, Herbert, Lott, Parsons, Potter, Rains, Scarborough, Stockdale, Throckmorton and Townes—14.

On motion of Mr. Schleicher the bill was re-referred to the committee on the Judiciary.

A bill to allow holders of claims for money against the State

to take land in lieu thereof, and to receive such claims for dues on land, being the special order was read second time.

Mr. Stockdale offered the following amendment :

Insert after "certificate" in 4th line of section two, "in quantities of 160 acres, 320 acres, 640 acres, 960 acres and 1280 acres, and that none of the certificates issued under this act shall be subdivided or allowed to be located and surveyed in more than one tract, except in cases where such locations are surrounded by other surveys." Adopted.

Mr. Quinan then moved to amend by striking out all of the first and second sections except the enacting clause, upon which the yeas and nays stood as follows :

YEAS—Messrs. Blanch, Duggan, Fall, Grimes, Guinn, Herbert, Miller, Pitts, Potter, Quinan, Scarborough, Stockdale and Townes—13.

NAYS—Messrs. Dulaney, Erath, Gentry, Harmon, Hart, Hyde, Martin, Parsons, Paschal, Rains, Schleicher, Shepard, Throckmorton, Walker and Whaley—15.

Mr. Shepard moved to reconsider, which motion was carried by the following vote :

YEAS—Messrs. Blanch, Chambers, Duggan, Guinn, Herbert, Martin, Miller, Parsons, Paschal, Pitts, Potter, Quinan, Scarborough, Shepard, Stockdale, and Townes—16.

NAYS—Messrs. Dulaney, Erath, Gentry, Grimes, Harmon, Hart, Hyde, Rains, Schleicher, Throckmorton, Walker and Whaley—12.

Mr. Shepard moved to refer to the Judiciary committee. Lost.

The question recurring on Mr. Quinan's motion to strike out, was put and carried.

Mr. Stockdale offered the following amendments:

Add at end of sec. 3, "provided that the Comptroller, and Treasurer shall transfer to the credit of the University and common school funds, such warrants as may be received in payment for lands appropriated for the University and for common schools respectively; which said warrants shall be paid out of any money in the Treasury not necessary to pay other appropriations." Amend caption by substituting "a bill to require the Comptroller and Treasurer to receive Treasury warrants in payment of certain land dues." Adopted.

The bill was then ordered to be engrossed. Rule suspended, read third time and passed.

A bill for the protection of the frontier of the State of Texas, was laid on the table.

A joint resolution to provide for the payment of the Delegates now assembled in Convention, on report of committee on Finance was, on motion of Mr. Dulaney referred to Judiciary committee.

The report of the committee on Claims and Accounts on the petitions of William C. Tremble and others was adopted.

A bill supplemental to an act to regulate estrays, on report of the committee on Stock and Stock Raising, recommending amendments. Amendments adopted, and bill passed to a third reading, rule suspended, on motion of Mr. Martin, bill read third time and passed.

A joint resolution suspending the Geological Survey, was made the special order for Monday 10 o'clock, A. M.

A bill to provide for submitting the ordinance of secession to a vote of the people. Read first time, rule suspended, read second time.

Mr. Stockdale moved to amend by inserting after "Chief Justices" the words "or other county officers required by the directions of the State Convention," and by striking out all of section 2, after the word "Convention" in 6th line thereof. Carried, and bill passed to a third reading; rule suspended, read third time and passed.

On motion the Senate adjourned until 10 o'clock, A. M., on Monday.

---

MONDAY, Feb. 4, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of Saturday was read and adopted.

Mr. Blanch presented the memorial of sundry citizens of Harrison county. Referred to the committee on State Affairs. Mr. Duggan, Chairman of the committee on County and County Boundaries, to whom was referred a bill to change the name of the county seat of the county of Hidalgo, reported the same to the Senate and recommended its passage.

On motion of Mr. Scarborough, the report was taken up.

Mr. Paschal, Chairman of the Committee on Internal Improvements, made the following report:

The Committee on Internal Improvements have duly considered the accompanying bill. A bill to incorporate the Uvalde Navigation Company, and have instructed me to recommend the passage of the same with the following amendments, to-wit:

1st.—Strike out all after the word "proper" on second page,

second line, in second section, subject to the same restrictions, rules and regulations, provided in an act supplementary to and amendatory of an act to regulate Railroad Companies, approved February 7, 1853; approved December 19, 1857; approved February 8, 1860, providing for the condemnation of the right of way for railroads; provided however, that the right of way condemned for the use of said company shall not exceed twenty feet on each side of the aqueduct or irrigating ditch.

3rd.—Strike out “inclusive” in second line of third section.

4th.—Strike out tenth section from “and” in first line to “enacted” in fifth line last page inclusive of both.

The committee on Internal Improvements, have carefully examined an act to incorporate the Port Sullivan Railroad Company, and although they believe the proposed road, connecting as it would, with the Houston and Texas Central Railroad, would accommodate a productive and fertile region of country, and should receive the fostering care of the State. It is the opinion of the committee that the pressing and necessary business of the present Legislature, forbids the consideration of new enterprizes during the present limited session. The committee therefore recommend the postponement of said bill.

The committee on Internal Improvements, have considered a bill for the relief of the Southern Pacific Railroad Company, and recommend the passage of the same, with the following amendments:

Add after road-bed fourth line of first section, “west of Brazos river,” and after the word “extend” in fifth line of first substitute, in lieu of the balance of said section, the words “two years in addition to the time now allowed said Company.”

The committee on Internal Improvements have considered an act for the relief of the Texas and New Orleans Railroad Company and recommend its passage.

Mr. Gentry, Chairman of the committee of Conference on part of the Senate, on a bill for the relief of the Houston and Texas Central Railway Company, made the following report:

The joint committee raised to consider the amendment of the House to the Senate’s bill for the relief of the Texas Central Railroad Company, report the said bill back to both Houses and recommend the substitute herewith be adopted for the amendment of the House, which report was, on motion, taken up and adopted.

Mr. Walker introduced a bill to amend the 1116 article, page 260 of the Digest of the Laws of Texas. Read first and second times and referred to the committee on the Judiciary.

Mr. Dulaney introduced a bill to repeal the second, third and fourth sections of an act to prevent judgments from becoming dormant, and to create and preserve judgment lines, approved 14th February, 1860. Read first and second times and referred to the committee on the Judiciary.

Mr. Chambers, by leave, presented the petition of sundry citizens of Titus county. Referred to the committee on County and County Boundaries.

Mr. Throckmorton introduced a bill to reorganize the eighth and twentieth Judicial Districts, and to define the times of holding the courts therein. Read first and second times and referred to the committee on the Judiciary.

A message was received from the House informing the Senate that the House had passed the following bills:

Senate's bill providing what shall be sufficient *prima facie* evidence in certain cases, in suits brought by the State of Texas.

House bill: amend the 12th section of an act concerning proceedings in the District Court, approved March 16, 1848, and a bill to amend the 10th section of an act supplementary to an act to regulate Railroad Companies, approved Feb. 7, 1853; approved Dec. 19, 1857; approved 8th Feb. 1860.

That the House had adopted the report of the committee of Conference, on a bill for the relief of the Houston and Texas Central Railroad Company.

#### ORDERS OF THE DAY.

A joint resolution suspending the Geological survey, being the special order, was read second time.

Mr. Gentry offered the following amendment:

"That Dr. F. Moore, present State Geologist, be required to make his report of all work executed by him up to the present time. Adopted.

Mr. Herbert moved to strike out the second section.

Mr. Hyde moved to refer the bill to the committee on State Affairs, which motion having preference, was put and lost.

The question on Mr. Herbert's motion was then put and lost.

Mr. Grimes moved to lay the bill on the table, which was lost by the following vote:

YEAS—Messrs. Grimes, Hart, Hyde, Throckmorton and Whaley—6.

NAYS—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath, Fall, Gentry, Guinn, Harmon, Herbert, Lott, Martin, Miller, Parsons, Pitts, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Townes and Walker—23.

Mr. Blanch moved to amend by striking out first section. Lost.

Mr. Townes offered the following amendment:

"That the said report of the Geologist's shall be made and presented to the Legislature at its next regular session."

Mr. Throckmorton moved to amend the amendment by striking out, "shall be presented to the Legislature at its next regular session" and insert "by the first day of July, 1861." Carried.

The amendment as then amended was adopted.

Mr. Herbert moved to strike out all relating to pay of Mr. Shumard, late Geologist. Lost.

Mr. Quinan offered the following amendment:

Add after "chemist" in first section, "who shall be continued in service only so long as is necessary to assist in making the reports hereafter provided for." Adopted.

The bill was then ordered to be engrossed.

On motion the rule was suspended.

Mr. Gentry moved to amend so as to allow Dr. F. Moore the same compensation for making his report as allowed to Mr. Shumard. Adopted.

Bill read third time and passed by the following vote:

YEAS—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath, Gentry, Guinn, Harmon, Lott, Martin, Miller, Parsons, Pitts, Potter, Quinan, Scarborough, Schleicher, Shepard, Stockdale and Townes—20.

NAYS—Messrs. Fall, Grimes, Herbert, Hyde, Rains, Throckmorton and Whaley—7.

A bill to provide for the protection of the frontier of the State of Texas, was, on motion of Mr. Erath, taken from the table. Read second time. Amendment proposed by the committee on the Militia was adopted.

Mr. Townes proposed to amend by striking out "to more than twelve days pay," and insert "to pay for a longer time than it may be absolutely necessary for them to be out." Lost.

Mr. Schleicher moved to amend by inserting in section one, "the county of Frio." Adopted.

Bill passed to a third reading. Rule suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Blanch, Chambers, Erath, Fall, Gentry, Guinn, Harmon, Hart, Herbert, Hyde, Lott, Martin, Miller, Parsons, Pitts, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—26.

NAYS—Mr. Grimes—1.

On motion of Mr. Gentry, a bill for the relief of the Texas

and New Orleans Railroad Company, was taken up and read second time. Rule suspended read third time and passed by the following vote:

YEAS—Messrs. Blanch, Chambers, Fall, Gentry, Grimes, Guinn, Harmon, Hart, Herbert, Hyde, Lott, Martin, Miller, Parsons, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—25.

NAYS—Mr. Pitts—1.

On motion of Mr. Blanch, a bill for the relief of the Southern Pacific Railroad Company, was taken up. Read second time. Amendments of committee adopted. Rule suspended, read third time and passed by the following vote:

YEAS—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath, Gentry, Grimes, Guinn, Harmon, Hart, Herbert, Hyde, Lott, Martin, Miller, Parsons, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Throckmorton, Townes, Walker and Whaley—25.

NAYS—Messrs. Pitts and Stockdale—2.

A bill to amend the twelfth section of an act concerning proceedings in the District Court, approved March 16, 1848. Read first and second times and referred to the committee on the Judiciary.

A bill to amend the tenth section of an act supplementary to an act to regulate Railroad Companies. Read first and second times and referred to the committee on Internal Improvements.

Mr. Quinan moved to reconsider the vote passing a bill for the protection of the frontier of the State of Texas, which was lost by the following vote:

YEAS—Messrs. Blanch, Duggan, Grimes, Guinn, Herbert, Lott, Miller, Parsons, Pitts, Potter, Quinan and Stockdale—12.

NAYS—Messrs. Chambers, Erath, Fall, Gentry, Harmon, Hart, Hyde, Martin, Rains, Scarborough, Schleicher, Shepard, Throckmorton, Townes, Walker and Whaley—16.

A bill to amend an act to organize the Justice's Courts, and to define the powers and jurisdiction of the same, approved March 20, 1848. Read first and second times and referred to Judiciary committee.

On motion the Senate adjourned until 10 o'clock, A. M. tomorrow.

TUESDAY, February 5th, 1861.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Potter, chairman of the committee on the Judiciary, made the following report:

The judiciary committee have considered the Senate's bill to define the time of holding the District Courts in the seventeenth Judicial District, and the substitute offered therefor, and direct me to return the same to the Senate, recommending the adoption of the accompanying document to the substitute offered by Mr. Schleicher, and the adoption of the substitute and passage of the bill:

1st. Make caption read "an act to reorganize the seventeenth Judicial District, and define the time of holding the District Courts therein.

2nd. In first section, after enacting clause, strike out all of the clause and insert "that the seventeenth Judicial District, shall hereafter consist of the counties of Williamson, Burnet, Llano, Mason, San Saba, Brown and Lampasas, and the District Courts shall be held twice in each year, in each of said counties as follows:"

On motion of Mr. Schleicher, rule suspended, report taken up and adopted.

Bill read second time and ordered to be engrossed.

Rule suspended, read third time and passed.

The judiciary committee have considered a bill to reorganize the eighth and twentieth judicial districts, and to define the time of holding the district courts therein; and direct me to return the same to the Senate, and recommend its passage.

Which, on motion of Mr. Guinn, taken up, read and ordered to be engrossed.

Rule suspended, read third time and passed.

The judiciary committee have considered a bill to amend the 1116th article, page 260, of the Digest of the laws of Texas, and direct me to return the same to the Senate, and recommend that it do not pass; the committee can see no good reason for changing the existing laws on the subject of evidence in Justice's Courts, as proposed by the bill.

The judiciary committee have considered a resolution in relation to the issuance of duplicate certificates in certain cases, and direct me to return the same to the Senate and report that the legislation indicated by the resolution is unnecessary. That ample provision in relation to the subject matter was made by the

last legislature, in the Court of Claims, [acts 8th Legislature, page 55, section 13.]

Mr. Dulaney, from the Judiciary committee, made the following report :

The Judiciary committee to whom was referred a bill to amend the 136th section of an act regulating the settlement of the estates of deceased persons, have considered the same, and instruct me to report the same back to the Senate, and recommend its passage with the following amendments :

The caption to read as follows : "A bill to be entitled an act to amend the 136th section of an act to regulate proceedings in the county court pertaining to estates of deceased persons." After the style, insert the words "that hereafter the above section shall read as follows :

"And after the word "act" in the 15th line, insert "any two of the Commissioners or."

Mr. Guinn, chairman of the committee on Claims and Accounts, to whom was referred the petition of Henry Lyon, asking for relief, returned the same to the Senate, and asked to be discharged from its further consideration.

Mr. Walker, chairman of the committee on Public Lands, to whom was referred a bill to extend the time of the return of pre-emption field notes, reported the same back to the Senate, and recommended its passage.

Mr. Hart introduced a bill to regulate the duties of the Commissioner of the General Land Office, and to define the duties of clerks and employees therein. Read first and second times, and referred to the committee on the Land Office.

Mr. Miller introduced a bill to repeal an act entitled an act to provide for the organization of the militia of the State of Texas. Read first and second times, and referred to the committee on State Affairs.

Mr. Walker introduced a bill granting land to actual settlers. Read first and second times, and referred to the committee on Public Lands.

Mr. Throckmorton introduced a bill appropriating the sum of \$2,500, for the payment of S. G. Haynie, James G. Swisher and James Doyle, for services rendered as Commissioners and Superintendents of the building of the Capitol. Read first and second times, and referred to the committee on Finance.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report :

The committee to whom was referred a bill supplemental to an act for the relief of Myrum Mudget, Daniel Kitchings, A. L.

Spencer and E. G. Cantwell, approved February 8th, 1860, have instructed me to report it back to the Senate, and state that if they should legislate upon subjects of this kind, that the bill ought to pass.

Mr. Parsons, from the committee on Internal Improvements, to whom was referred a bill concerning the Eastern Texas Railroad Company, reported the accompanying substitute, and recommended its passage:

A bill to amend the 8th section of an act to incorporate the Eastern Texas Railroad Company, passed by the 8th Legislature of the State of Texas.

Read and ordered to be engrossed.

Rule suspended, read third time and passed by the following vote:

YEAS.—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath, Fall, Gentry, Grimes, Guinn, Hart, Hyde, Lott, Miller, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Scarborough, Shepard, Throckmorton, Townes, Walker and Whaley—25.

NAYS.—None.

#### ORDERS OF THE DAY.

The report of the committee on Internal Improvements, on a bill to incorporate the Uvalde Irrigation Company, recommending amendments, was adopted and bill ordered to be engrossed.

Rule suspended, bill read third time, and passed by the following vote:

YEAS.—Messrs. Blanch, Duggan, Dulaney, Erath, Fall, Gentry, Grimes, Herbert, Hyde, Martin, Miller, Parsons, Paschal, Pitts, Quinan, Scarborough, Schleicher, Shepard, Townes, Walker and Whaley—21.

NAYS.—Messrs. Guinn and Hart.

The report of the committee on Internal Improvements, on a bill to incorporate the Port Sullivan Railroad Company, was adopted.

A message was received from the House, informing the Senate, that the House had passed Senate's bill to require the Comptroller and Treasurer to receive treasury warrants in payment of certain land dues, with an amendment.

Also, joint resolution with regard to the contract for roofing the Capitol.

Also, that the House concurs in the amendment of the Senate to House bill supplemental to act to regulate estrays.

And, a bill to provide for submitting the Ordinance of Secession to the people.

Mr. Shepard presented a communication from C. G. Forshey,

superintendent of the Texas Military Institute, announcing the election of the following persons to membership in the Board of Trustees, to-wit :

A. R. Gates, John Robson, Addison Jones, W. W. White, Sam'l. J. Harrington, Thomas C. Moore and Fred. Tate, which was taken up and the said persons confirmed as members of said Board, by unanimous vote of the Senate.

On motion, the Senate adjourned until 3 o'clock, P. M.  
3 o'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Walker, chairman of committee on Public Lands, reported a bill granting land to actual settlers, recommend its rejection.

Mr. Paschal, chairman of the committee on Internal Improvements, made the following report :

The committee to whom was referred the House bill to amend the 10th section of an act supplementary and amendatory of an act to regulate Railroad Companies, approved February 7th, 1853, December 19th 1857, and February 8th 1860, have considered the same, and I am instructed to recommend its passage.

The committee have also considered a bill to incorporate the Galveston and Houston Junction Railroad Company, originating in the Senate, and I am instructed by the committee, to recommend the indefinite postponement of said bill.

In recommending the postponement of this bill, the committee is governed by the policy which has been adopted by the committee, and that is to recommend no new charters for Railroads at the present session.

On motion of Mr. Gentry, the bill to amend the 10th section of an act supplementary and amendatory of an act to regulate Railroad Companies, approved, &c., &c., was taken up and passed to a third reading, rule suspended, bill read third time and passed.

A bill to require the Comptroller and Treasurer to receive treasury warrants in payment for certain land dues on amendments of the House. The Senate refused to concur in the amendments by the following vote :

YEAS.—Messrs. Dulaney, Erath, Fall, Grimes, Harmon, Hart, Hyde, Miller, Rains, Schleicher, Throckmorton and Whaley—13.

NAYS—Messrs. Blanch, Chambers, Duggan, Gentry, Guinn, Herbert, Lott, Martin, Parsons, Paschal, Pitts, Potter, Quiman, Scarborough, Shepard, Stockdale and Townes—17.

Mr. Herbert, chairman of the committee on Roads, Rivers &c.,

to whom was referred the House bill prescribing police regulations in respect to slaves, reported the same back to the Senate and recommended its passage.

On motion of Mr. Duggan, the bill was taken up, read second time and Mr. Stockdale offered the following amendment:

*Provided*, that in case any owner of a slave or slaves shall give notice to the Captain of the patrol in the beat of his residence, that it is his intention to patrol his own place, then the said Captain shall not enter upon the place of said owner without his consent, and the said owner shall be responsible to comply with the regulations of this act in regard to the patrol of his own place.

On motion of Mr. Quinan, the bill was referred to the committee on the Judiciary.

Mr. Townes, from the committee on Enrolled Bills, reported an act supplemental to an act to regulate estrays.

And a joint resolution with regard to roofing the Capitol.

An act for the relief of Houston and Texas Central Railway Company.

And an act providing what shall be sufficient *prima facie* evidence in certain cases in suits brought by the State of Texas, correctly enrolled and this day presented to the Governor.

On motion of Mr. Walker, the bill to extend the time for the return of pre-emption field notes, was taken up, read second time. Mr. Quinan offered the following amendment:

*"Provided*, That nothing herein contained shall interfere with vested rights."

Which was adopted, and bill ordered to be engrossed.

Rule suspended, read third time and passed.

On motion, the Senate adjourned until to-morrow 10 o'clock,  
A. M.

WEDNESDAY, February 6th, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

A message was received from the House informing the Senate that the House had passed the following Senate bills:

A bill for the relief of the Texas and New Orleans Railroad Company.

A bill to incorporate the Lavaca Wharf Company and the following bills originating in that body.

A bill to prohibit the emancipation of slaves.

A bill granting and extending time for the completion of the Washington County Railroad.

A bill to amend the 3rd section of an act to regulate the descent and distribution of intestate estate, approved March 14th, 1848.

Also transmitting a message from the Governor as follows:

EXECUTIVE DEPARTMENT,  
February 5, 1861. }

*Gentlemen of the Senate*

*and House of Representatives:*

In view of the contemplated speedy adjournment of the Legislature, the Executive would again call your attention to the embarrassed condition of the finances, and press upon your attention the importance of adopting such measures as will sustain the government during the present fiscal year.

In his message sent to your honorable body at the commencement of the present session, the Executive pressed this subject upon your attention, and in connection with it, the importance of providing for the defence of the frontier settlements. These were two of the three objects for which you were convened. The course of your legislation since that period, and the possibility of a severance of the connection of Texas with the Federal Union, render it imperative that money should be raised to sustain the government so that in such a contingency the people of the State may be ready to meet any emergency that may come upon them.

The Executive in his message presented for your consideration the following figures, showing the probable receipts and disbursements of the present year:

Amount due for Rangers' pay and subsistence,	\$ 155,000 00
Interest warrants in circulation,	129,556 99
Defence of frontier,	500,000 00
Ordinary expenses of Government, (see Comptroller's Report for September 1, 1859,)	331,400 00
Amount due on outstanding debt,	50,000 00
Amount of debt of Republic, which will be called for,	10,000 00
Total,	<hr/> \$ 1,175,956 99

The expenses of the present session of the Legislature are also to be provided for.

Total receipts to August 31, 1861, (see Comptroller's Report, September, 1859,) \$ 343,344 27

Amount in Treasury subject to disbursement, January 19, 1861, (per Treasurer's Report,) 14,785 62
--

Total,	\$ 358,129 89
--------	---------------

The above statement shows a deficiency on the 19th January, 1861, of \$817,827 10. The amount due Rangers alone for services rendered up to this period, amounts to at least \$300,000, and unless means are adopted to pay their claims in money, the same will depreciate, and no temporizing expedient can prevent that result. The Government must go on performing its functions, or anarchy will ensue, and to keep it in motion, money is necessary. The frontier must be defended, or the settlements must give way, and no matter what expedient may now be resorted to, both men and money must be had; and the Executive implores the Legislature not to wait until the call for men and money comes laden with the dying shrieks of women and children.

The Legislature may vouchsafe to the people of the frontier the privilege of protecting themselves at their own cost, depending upon promises to pay in the future; but such a policy will be found totally inadequate to the present emergency. Cash will be needed to purchase ammunition and supplies.

By the Treasurer's Report, received on Saturday, the 2d instant, it appears that there was then in the Treasury, subject to disbursement on account of State Revenue, \$5,279 69. The Legislature has already appropriated \$9,768 62 of the fund arising from University Land sales and \$17,313 30 of the fund accumulating from estates of deceased persons, for the per diem and mileage of its members, and it has only been by the use of these funds that the Treasury has been spared thus far from entire bankruptcy: The amount on hand will be exhausted before the termination of the present week, when there must be a suspension of specie payments altogether.

The revenue estimated to come in on July 1, (\$343,344 27,) will be much reduced from the fact that the Comptroller has been and is now drawing advance drafts on the various assessors and collectors, to meet appropriations. It is also well known that the assessments for the present year have been suspended by order of the Comptroller. Property, in the meantime, has been steadily decreasing in value, and parties will not be willing to have the same assessed at any more than it will bring in the market at the time of assessment. This depreciation in value will be so great, that, at the present rate of taxation, not more than half the amount estimated will be collected.

The ordinary expenses of government, about \$30,000 per month, are to be met until the taxes come in. The officers, many of whom are dependent upon their salaries for the support of themselves and families, should be punctually paid; but even if they wait until the taxes come in, the treasury will then be without a dollar to pay the expenses of the next twelve months. The necessity for the adoption of measures whereby the treasury may be replenished, must therefore be apparent.

Without considering the possible contingency, arising from a change in our federal relations, means must be provided to meet the deficiency of \$817,827 10 mentioned above. But should Texas withdraw from the Union, a new condition of things will arise, which will require large expenditures. In view of the possibility of such a contingency happening at as early a period as the second of March, the Legislature cannot fail to see the necessity of making such provisions as will secure the safety of the State and maintain its honor. Steps should be taken to provide an adequate force, to take the place of the 3000 federal troops now in Texas. The safety of our frontier depends upon the action of your honorable body in this respect. A few days of delay may involve the most terrible consequences. Not only the Rio Grande frontier, but also our whole line of settlements, demand the continual presence of a force sufficient to intimidate our enemies from invading us in large bodies, and it will be the part of wisdom to guard now against the consequences of the removal of such a force. The expense will be millions; but the lives of our people are worth more. Nor is this all. If we do not defend the outposts of civilization, the frontier must recede until we have it at our very doors. We must also provide for the continuation of our postal service, so that our people may not be deprived of communication with the world without. If we are to become independent of the Federal Government, let us at once act a manly and self-reliant part. Let not Texas be subjected to the humiliation of dependence on a government which she has thrown off. If we are to separate, let us have the means provided for taking care of ourselves, and from the date of our separation protect our people with our own army, carry our own mails, and sustain ourselves as an independent people should. The Executive has that confidence in the people of Texas, to believe that if their minds are resolved on separation they will furnish, if in their power, the millions necessary to maintain that new position.

The Executive relies upon the wisdom of the Legislature to devise the ways and means to sustain the government, and he

cannot but press upon the consideration of the Legislature, (a large majority of whom regard disunion as a fixed fact,) the importance of providing against that contingency.

He has now performed his whole duty. If the Legislature provides the means to maintain the public faith, to defend the frontier, and sustain the government in all its departments. The Executive, faithful to the trust reposed in him by the people, will see to it, so far as his powers will permit, that the honor and interests of Texas do not suffer at his hands. If these be unprovided for, and the government is left in its present condition, he will feel that this last appeal to the wisdom, justice and patriotism of your honorable body, will justify him to the world should his endeavors to care for the interests of the people, be fruitless.

### SAM HOUSTON.

On motion of Mr. Guinn, the message was transmitted to the House of Representatives.

Mr Fall, chairman of the committee on engrossed bills reported correctly engrossed a bill to incorporate the Uvalde Irrigation Company.

Mr. Britton, chairman of the committee on the Militia, made the following report :

Your committee on the Militia, to whom was referred the resolutions requiring them to report what amount was required to purchase munitions of war necessary to place the State in a position of complete defence, have had the same under consideration, and directed me to report thereon, which is now respectfully submitted for your careful consideration.

In estimating for "complete military defence," three essential elements are necessary to be known; the length of line to be defended; topography of that line and the nature of the enemy to be resisted. From the mouth of the Rio Grande along that river to El Paso, and from thence to Red River Texas has an exposed border of not less than 1500 miles: These alone will occupy at present the attention of the committee as they will not now include the Red River line and Gulf Coast defenses. The latter of which involving millions in placing it in complete defence, from some essential elements entering into the calculation being wanted, cannot now be calculated. In defending the Rio Grande frontier, prudence, justice and economy would dictate that it should be so armed and equiped, as to enable us not only successfully to resist any attack from that quarter, but give that security to the minds of our citizens that no attempt would be made upon their rights. The severe lesson taught us by the

Cortina war, should not be disregarded, nor should we overlook the fact that from the imprudence or criminal neglect of the United States authorities properly to provide the protection now recommended for that border, we have created a nemis element among those who may become our enemies, that they will not fail to employ if we now neglect those necessary precautions. Upon the Indian border we have at present, the Indian, but who is, ever has been and ever will be our active enemy, operating entirely on horseback, unequalled in the rapidity of his movements, even by the cossack, combining the cunning of the fox with the ferocity of the wolf, he steals upon our border settlements by day and night and his path is marked by the blood of our citizens, the ruin and devastation of their homes, each succeeding year adds but another page to the sad history of cruelties and murders, and which if they have not increased have not at least diminished. Honor, duty and humanity demand of us, the Legislature, that this state of things should no longer exist. Nor can your committee be blind to the serious convulsions now agitating this Union, and their probable effect upon us as a people, or a State; we have just cause to fear that a fanatical element already aroused in the North, may be soon added to the ferocity of the Indian, teaching him if possible a refinement on cruelty, which element guiding, directing and concentrating his natural hatred upon our assailable points, may not only endanger the lines and prosperity of our people there, but jeopardise the tranquility of the State.

In view of all these facts your committee have concluded that not less than 3,000 men properly armed and equipped are necessary to place the State in a position of complete defense.

Three Regiments, one of Infantry and two of Cavalry of 1,000 men each, and for raising which a bill is herewith submitted.

In estimating the cost of Military operations which are peculiar and varied only an approximating estimate can anteriorly be made to assist to arrive at an approximating cost. We will first give an estimate of the cost to the United States of arming, equipping and maintaining in the field for one year, a Regiment of Cavalry. Then we will give the amount which we think will be necessary for Texas to expend for the same purpose, making a Regiment of 1,000 men the unit basis of the calculation which can easily be applied to any number of Regiments you, in your wisdom may deem proper.

The pay and allowances, subsistence, forage, &c., of a Regiment of Cavalry placed in the field for 12 months, costs the

Government of the United States, the sum of \$709,626. This amount is made up as follows :

Pay and allowance to officers,	- - - - -	\$63,200
" " men,	- - - - -	144,426
Subsistence,	- - - - -	108,000
Horses,	- - - - -	150,000
Forage,	- - - - -	144,000
Equipments,	- - - - -	38,000
Clothing,	- - - - -	40,000
Arms,	- - - - -	22,000
Total,	- - - - -	\$709,626

The amount does not include ammunition or transportation of the munitions of war.

A Regiment of Infantry would be the same except the horses and equipments and forage, say \$3,776 26.

Two Regiments of Cavalry and one of Infantry, would therefore cost the United States \$1,796,872.

Armies and parts of armies are always expensive in their organization and after management, and being well apprised of that fact, we have in our calculation for Texas Regiments, had the strictest regard to economy, without impairing the efficiency.

We are of opinion that Texas can place in the field and maintain for twelve months, two Regiments of Cavalry and one of Infantry for \$1,083,678.

This amount is made up as follows :

Pay and allowance for officers,	- - - - -	\$44,800
" " men,	- - - - -	144,426
Subsistence,	- - - - -	108,000
Forage,	- - - - -	96,000
Total,	- - - - -	\$393,226
		393,226

Two Regiments of Cavalry cost,	- - - - -	\$786,452
One Regiment of Infantry,	- - - - -	297,226

Total,	- - - - -	\$1,083,678
--------	-----------	-------------

This amount which may seem large, yet upon careful examination will be found to be the least for which it can possibly be done.

It will be seen that by the mode we propose, the State would save \$713,200 difference between the amount the United States for similar services, and by examining the calculation you will

find that this difference consists in reducing the pay and allowance for officers. The pay of the men can not be reduced, and in the expense for arms and forage for horses, which we are of opinion can be lessened.

A bill to organize three Regiments of volunteers. Read first time.

Mr. Quinan introduced a joint resolution authorizing the Comptroller to sell one hundred and fifty thousand dollars of United States indemnity bonds. Read first time.

Also a joint resolution requiring the board of School commissioners to sell United States bonds invested in the special school fund. Read first time.

Mr. Grimes, chairman of the committee on Finance reported a bill making an appropriation to pay S. G. Haynie, James G. Swisher and James Doyle, for certain services, and asked to be discharged from its further consideration.

Mr. Walker, chairman of the committee on the Public Lands reported a bill to provide for the sale of lands ceded to the United States for Indian purposes, and recommended its passage.

Mr. Pitts, chairman of the committee on the General Land Office reported a bill to regulate the duties of the Commissioner of the General Land Office, and to define the duties of clerks and employees therein, and recommended a substitute therefor.

Mr. Duggan, chairman of the committee on County and County Boundaries reported upon the petition of sundry citizens of Blanco and Kerr counties, and asked to be discharged from its further consideration.

Mr. Hyde, chairman of the committee on Private Land Claims reported on the petitions of George Bernard, R. W. Spradley and E. S. Terrel, and asked to be discharged from their further consideration.

Also a bill for the relief of Charles Clarke, and

A bill to amend an act to reorganize the Court of Claims, and asked to be discharged from their further consideration.

Mr. Quinan introduced the following resolution :

*Resolved*, by the Senate, the House concurring, that the present session of the Legislature adjourn on Thursday 7th inst., at 12 o'clock, M.. to reassemble on Monday 18th of March next.

Mr. Guinn moved to amend by striking out 18th March, and inserting 1st of April.

A message was received from the House, that the House had adopted a resolution to adjourn on Friday the 8th inst., at 8 o'clock, A. M., until the 15th of April ensuing, and had adhered

to ther amendment to a bill to require the Comptroller and Treasurer to receive Treasury warrants in payment of certain land dues.

Mr. Shepard moved to lay the adjournment resolution of Mr. Quinan, and the amendment thereto, on the table. Carried.

On motion of Mr. Guinn to take up the resolution from the House on adjournment, the question was lost by the following vote:

YEAS—Messrs. Duggan, Erath, Grimes, Guinn, Hyde, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Scarborough, Stockdale and Townes—15.

NAYS—Messrs. Blanch, Britton, Chambers, Dulaney, Fall, Gentry, Harmon, Herbert, Lott, Miller, Schleicher, Shepard, Throckmorton, Walker and Whaley—15.

The President voted nay.

Messrs. Throckmorton, Gentry and Quinan, were appointed a committee of conference on the part of the Senate on the amendment of the House, to a bill to require the Comptroller and Treasurer to receive Treasury warrants in payment of certain land dues.

A bill to prohibit the emancipation of slaves. Read first and second times and referred to the committee on the Judiciary.

A bill granting an extension of time for the completion of the Washington County Railroad. Read first time, rule suspended read second time and passed to third reading; rule suspended, read third time and passed by the following vote:

YEAS—21.

NAYS—Mr. Harmon—1.

A bill to amend the third section of an act to regulate the descent and distribution of intestate estates. Read first and second times and referred to the committee on Judiciary.

A bill to fix compensation of members and officers of the Convention, that convened at Austin, January 28th, 1861, introduced by Mr. Miller, was read first and second times and referred to the committee on the Judiciary.

Mr. Paschal introduced a bill supplementary to the act to incorporate the Sabine and Rio Grande Railroad Company. Read first and second times and referred to the committee on Internal Improvements.

On motion the Senate adjourned until 7 o'clock, P. M.

---

7 O'CLOCK, P. M.

Senate met—roll called.

#### ORDERS OF THE DAY.

The report of the committee on the Judiciary on a bill to

amend the 1116 Article page 260 of the Digest of the laws of Texas, recommending the rejection of the same, was read and adopted.

A bill supplemental to an act for the relief of Myram Mudget, Daniel Kitchings, A. L. Spencer and E. G. Cantwell, &c., taken up, read, and ordered to be engrossed, rule suspended bill read third time and passed.

The report of the committee on Claims and Accounts on the petition of Henry Lyon, recommending its rejection, was taken up and adopted.

The report of the committee on Internal Improvements on a bill to incorporate the Galveston and Houston Junction Railroad Company, recommending its indefinite postponement was read, and report laid on the table on motion of Mr. Potter.

A message was received from the House informing the Senate that the House had passed the following Senate bills.

A bill to extend the time for the return of pre-emption field notes.

A bill to amend the 8th section of an act to incorporate the Eastern Texas Railroad Company, passed by the 8th Legislature of the State of Texas.

A bill to reorganize the 17th Judicial District and to define the time of holding courts therein.

A bill to change the name of the county seat of Hidalgo county.

A bill for the relief of the Southern Pacific Railroad Company, and

A bill for the relief of the Trinity Valley Railroad Company, and

Transmitting a communication from the Governor announcing the ordinances of secession of Louisiana and Georgia.

Mr. Throckmorton, chairman of the committee of Conference on the part of the Senate, made the following report :

The committee of Conference, who have had under consideration the House's amendment to the Senate's bill to require the Comptroller and Treasurer to receive Treasury warrants in payment of certain land dues, have considered the same and beg leave to recommend that the caption be changed to read as follows :

A bill authorizing Treasury warrants to be received in payment of certain dues.

The committee also recommend the adoption of the accompanying amendments in lieu of the amendments of the House.

Amendments proposed by committee of Conference.

SEC. 2. The board of school commissioners are hereby authorized to receive Treasury warrants in payment of the two per cent for a sinking fund payable by Railroad Companies in whose bonds the special school fund has been or may hereafter be invested and said warrants should be held for the credit of said special school fund in like manner as provided by law for the investment of said sinking fund in State Stocks.

SEC. 3. Where Treasury warrants are tendered under the provisions of this act in payment of any indebtedness the interest shall be computed and allowed and where the warrant exceeds the indebtedness the holder shall be entitled to a Warrant for the residue.

SEC. 4. That all laws and parts of laws conflicting with the provisions of this act be and they are hereby repealed ; and that this act take effect and be in force from and after its passage.

The report of the Judiciary committee on a resolution in relation to the issuance of duplicate certificates in certain cases, recommending its rejection was taken up read and adopted.

A bill granting land to actual settlers, was on motion of Mr. Walker laid on the table until the minority report of the committee on Public Lands could be made.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a bill to require the Judges of the Supreme Court to decide causes in the order in which they are argued, and the term at which they are argued, reported a substitute for the bill and recommended the adoption of the substitute and the passage of the bill; substitute read and ordered to be engrossed; rule suspended, read third time and passed by the following vote:

YEAS—Messrs. Erath, Fall, Gentry, Guinn, Harmon, Herbert, Hyde, Lott, Martin, Miller, Paschal, Pitts, Potter, Quinan, Scarborough, Schleicher, Shepard, Stockdale and Throckmorton—19.

NAYS—Messrs. Blanch, Chambers, Duggan, Grimes, Parsons, Townes and Walker—7.

Mr. Miller, from the committee on the Judiciary made the following report :

The Judiciary committee, to whom was referred a bill to organize justice's courts, and to define the powers and jurisdiction of the same, approved March 20th, 1848, have had the same under careful consideration and instructed me to report the bill to the favorable consideration of the Senate and recommend its passage with the accompanying amendments :

1. Add to first section the following words, "Provided that no

such stay shall be granted unless applied for, and perfected within ten days after the recovery of the original judgment."

2. Strike out 2nd section and change section 3rd to section 2.

On motion the report was made the special order for to-morrow 10 o'clock, A. M.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a House bill to amend the 3rd section of an act to regulate the descent and distribution of intestate estates, approved, March 14, 1848, reported the same to the Senate and recommended its passage.

Mr. Potter, chairman of the Judiciary committee, made the following report :

The Judiciary committee have considered a House bill to amend the 12th section of an act concerning proceedings in the District court, approved March 16th, 1848. The object of the bill is to give an appearance term in all cases in the District court, that is, that suits brought to the spring term of the court shall stand over to the fall term, before the defendant is required to appear, or a judgement can be entered in the cause. A majority of the committee believe that the proposed legislation is unwise and inexpedient and that instead of benefitting the debtor, as is supposed to be the object of the friends of the bill, it will cause suits to be immediately commenced on all claims that are now due and on others as soon as they become due, the committee return the bill to the Senate and a majority of the committee recommend that it be rejected.

Messrs. Shepard and Parsons, made the following minority report :

The undersigned a minority of the committee on the Judiciary respectfully dissent from the report of the majority of said committee on the bill passed by the House of Representatives to amend the 12th section of an act concerning proceedings in the District court, approved March 16th, 1848. And believing as we do that said bill is both wise and proper, we therefore recommend that the report of the majority of the committee be not adopted and that the bill be passed.

The report of the Judiciary committee on a bill to amend an act to amend the 136th section of an act to regulate proceedings in the county court pertaining to estates of deceased persons recommending amendments taken up, amendments adopted and bill ordered to be engrossed; rule suspended bill read third time and passed.

A bill for the relief of the Trinity Valley Railroad Company. Read first time; rule suspended, read second time and passed to

a third reading; rule further suspended read third time and passed by the following vote:

**YEAS**—Messrs. Blanch, Chambers, Duggan, Dulaney, Fall, Grimes, Guinn, Harmon, Herbert, Hyde, Lott, Martin, Miller, Parsons, Paschal, Pitts, Quinan, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Walker—24.

**NAYS**—None.

Mr. Schleicher introduced a bill to amend an act amend the 4th, 7th, 8th, 15th, 18th and 34th sections of an act to provide for the assessment and collection of Taxes, approved February 11th, 1860. Read first time; rule suspended read second time and referred to committee on State Affairs

A message was received from the House, that the House concurred in the amendments of the committee of conference upon a bill to require the comptroller and Treasurer to receive Treasury warrants in payment for certain land dues.

On motion the resolution of the House relative to the adjournment of this Legislature, was taken up.

Mr. Stockdale moved to strike out “15th April” and insert “18th March,” a division was called for by Mr. Guinn, the question on striking out being put, the yeas and nays were taken and stood thus :

**YEAS**—Messrs. Chambers, Duggan, Dulany, Fall, Gentry, Harmon, Herbert, Hyde, Miller, Parsons, Pitts, Potter, Quinan, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Walker—20.

**NAYS**—Messrs. Blanch, Grimes, Guinn, Lott, Martin and Paschal—6.

Mr. Stockdale moved to fill the blank with “18th March.”

Mr. Guinn moved to fill with “1st April.” Lost.

The question on Mr. Stockdale’s motion was then taken and carried.

Mr. Parsons moved to strike out “8 o’clock, A. M.,” and insert “1 o’clock P. M.

A division being called for, the question on striking out was put and lost.

Mr. Throckmorton moved to strike out “Friday 7th” and insert “Saturday 8th.” Carried.

Mr. Townes moved to strike out “8 o’clock” and insert “10 o’clock.”

Mr. Quinan moved “3 o’clock.” Lost.

Mr. Walker offered the following amendment :

“Provided, That should the Legislature adjourn to meet again as mentioned in this resolution, no member of either House

thereof shall receive any money from the State Treasury for mileage in going to or returning from said adjourned session," which was adopted by the following vote :

YEAS—Messrs. Blanch, Duggan, Gentry, Grimes, Harmon, Lott, Miller, Parsons, Paschal, Pitts, Potter, Quinan, Schleicher, Shepard, Stockdale, Throckmorton Townes and Walker—18.

NAYS—Messrs. Chambers, Dulaney, Fall, Guinn, Herbert, Hyde, Martin, and Scarborough—8.

Mr. Paschal moved to reconsider the vote just taken, upon which motion the yeas and nays were as follows :

YEAS—Messrs. Duggan, Dulaney, Fall, Grimes, Guinn, Herbert, Hyde, Paschal, Scarborough and Stockdale—10.

NAYS—Messrs. Blanch, Chambers, Gentry, Harmon, Lott, Martin, Miller, Parsons, Pitts, Potter, Quinan, Schleicher, Shepard, Throckmorton, Townes and Walker—16.

Mr. Gentry offered the following as a substitute for the resolution :

*Resolved*, That it is inexpedient under existing circumstances for the Senate, at this time to fix a definite day or hour for the adjournment of the Legislature.

A message from the House announcing that the House had passed the following bills :

A bill authorizing the issuance and sale of State Bonds in case of invasion of the State or necessity for frontier protection.

A bill authorizing the issuance of Treasury warrants receivable for Taxes and all government dues.

Senate's bill making an appropriation to pay supplies furnished the troops now on the frontier.

On motion the Senate adjourned until to-morrow, 10 o'clock,  
A. M.

---

THURSDAY, February 7th, 1861.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Shepard, chairman of the committee on State Affairs, made the following report :

The committee on State Affairs, to whom was referred a bill to amend the law regulating the assessment and collection of taxes, have considered the same, and instruct me to report that as the same is an original bill affecting the revenue, the Senate has no jurisdiction of the same : they therefore, instruct me to

report the same back to the Senate, with the recommendation that the bill and amendments be laid on the table.

Mr. Townes, from the committee on Enrolled Bills, reported a bill to amend the 10th section of an act supplementary to an act to regulate Railroad Companies, approved February 7th 1853, approved 8th February 1860.

A bill to incorporate the Lavaca Wharf Company, and

A bill for the relief of the Texas and New Orleans Railroad Company; correctly enrolled, and this day presented to the Governor.

Mr. Paschal introduced the following joint resolutions:

*Resolved by the Legislature of the State of Texas,* 1st. That in the opinion of the Legislature of the State of Texas, the people of Texas ought to remain in the Union, *provided*, amendments to the Constitution of the United States can be obtained, embracing the substance of the propositions for amendments to the Constitution of the United States, proposed by the Legislatures of the States of Virginia and Tennessee, transmitted to both branches of this Legislature, through the Governor of the State of Texas, on the 6th inst.

2nd. That the Governor of the State of Texas be, and he is hereby required to transmit a copy of this resolution to the Governors of all the States of the Union. Read first time.

A message was received from the House informing the Senate that the House had passed Senate's bill to provide payment of the expenses incurred by special bearer of dispatches sent by the Governor to Washington city, with amendments.

On motion of Mr. Throckmorton, 500 copies of the Governor's message in relation to the Finances, received by the Senate on yesterday, were ordered to be printed.

The report of the committee on Conference, on a bill to require the Comptroller and Treasurer to receive treasury warrants in payment of certain land dues. Adopted<sup>1</sup>.

A bill authorizing the issuance and sale of state bonds in case of invasion of the State, or necessity for frontier protection. Read first and second times and referred to the committee on Finance.

Mr. Throckmorton introduced a bill to extend time for the survey of Railroad certificates heretofore issued. Read first time.

Rule suspended, bill read second time and ordered to be engrossed.

Rule further suspended, read third time and passed.

A bill to regulate the duties of the Commissioner of the Gen-

eral Land Office, and to define the duties of clerks and employees therein. Was on motion of Mr. Townes, laid on the table.

A message was received from the House informing the Senate that the House had passed Senate bill, prescribing the order of determining cases in the Supreme Court.

A bill supplemental to an act for the relief of Myram Mudget, Daniel Kitchings, A. L. Spencer and E. G. Cantwell, approved Feb 8th, 1860, and

A bill to amend the third section of an act to regulate the descent and distribution of intestate estates, approved March 14th, 1848.

Mr. Walker from committee on Public Lands, made the following minority report :

HON. PRESIDENT OF THE SENATE:

The undersigned, a minority of the Public Land committee, having arrived at very different conclusions from that of a majority of the committee upon the bill, granting lands to actual settlers, begs leave to report :

That, in the opinion of the undersigned, the policy proposed towards the actual settlers upon the public lands of the State, by the bill under consideration, is judicious, wise and just. It proposes to donate (to each actual settler who may have, or who shall hereafter settle upon and cultivate five acres of land and pay taxes thereon for the term of three years,) two hundred acres of land.

Texas has been settled with her present adventurous, hardy and enterprising population, under the influence of the various land grants made to actual settlers. It has always been her policy to grant portions of her public domain to actual settlers. In fact, until within a few years past, nearly the entire amount of lands granted by the State, has been to those who have settled upon and occupied the same, with their families, and to those brave soldiers who have defended her soil.

The first settlers came to the country and received their titles under the Mexican colonization laws and to carry on the Revolution against the Mexican Government, large land bounties were granted the soldiers who came to fight the battles of the Republic ; and donations of land were made to the heirs of those who fell in her service.

After the Revolution, the same policy of granting lands to actual settlers by the Republic, was continued for many years.—Under this system, the lands have been granted from the gulf coast far beyond the limits of the present frontier settlements of the State. The facilities afforded by this liberal policy to the

emigrant to obtain the most productive lands, at a cheap rate, have caused Texas to fill up with an enterprising and intelligent population, and her material wealth to increase more rapidly than that of any of her sister Southern States. Her population has not been forced upon her, nor driven into her limits from over filled hives from across the Atlantic, as has been the case in some of the more densely populated States of the North. In the main, the emigrants to this State have come through choice. Invited hither, and influenced by the rich productive soil of the State, her genial and healthy climate, and her liberal policy in the disposition of her public domain—a policy which has been so clearly the great and prominent cause of the rapid increase of population and material wealth, the wisdom of which is so clearly established by the past history of the State and its present position, should not be hastily, and much less, totally abandoned, except for the most cogent and conclusive reasons. In the opinion of the undersigned, no such reasons exist against the passage of the bill under consideration.

The bill does not propose to give to the settler 4,605 acres of land, as under the colonization system of Mexico, nor 1280 acres, nor 640 acres as did the Republic of Texas; but only 200 acres, and that upon the onerous condition that the grantee shall settle upon the land, occupy it for three consecutive years, clear and cultivate at least five acres, pay taxes from the date of settlement &c. The benefits of the bill are only to extend to those now in the State, and who have never obtained land as an emigrant or colonist.

The bill, in fact, confers no gratuity, and as the public lands have been located and appropriated up to, and far beyond the limits of the present settlements, every man, who hereafter settles upon it, necessarily exposes himself and family to the deadly rifle, the tomahawk and scalping knife of the merciless and demon-like savages, who have for several years past, laid waste to our frontier by murder and plunder.

In truth and in fact, those ruthless savages have, within the last six months, been murdering the citizens of several of the frontier counties in the north-western portion of the State, and stealing their property to such an alarming extent, as to have nearly depopulated many counties in that region; which were once densely settled by a hardy, intelligent and enterprising people. The man who is willing, and will subject himself to such perils of life and property, must possess the nerve of a soldier, and will, if he settles upon vacant land on the frontier, under this bill, should it become a law, necessarily, per force, become a soldier.

The pitiful boon of two hundred acres of land to be conquered from our savage foe, and therefore, now worthless, is indeed, but a poor compensation for such dangers.

Thus, for this small amount of land the settler not only becomes an occupant of the land, a tiller of the soil and a tax-payer ; but he becomes a soldier indeed—stationed upon the out-post, and, while defending himself and his wife and little ones, he also defends all within his limits.

None but poor men would ever avail themselves of the benefits of this law, for the rich man, able to buy lands within the settlements, remote and secure from danger, would not imperil himself, his family and his property for such poor consideration. It is, therefore, only the class first referred to, who have reclaimed the continent of North America, and extended our settlements from the Atlantic to the Pacific Oceans, that will be benefited by the law should it pass. The poorer classes, careless or indifferent about danger, and but little risk to run in the way of property, only will avail themselves of the provisions of the law. Under the mutations of property in our government, the poor man of the present generation, may be the father of the rich man of the next ; while the poor man of the succeeding generation, may be the son of the rich man of the present.

By giving this small amount of land to the actual settler, you enable him to provide a permanent home for himself and family, you not only do this, but you attach him to the soil and increase his devotion to the government ; you thus enable him to increase his property and all that constitutes his wealth—make him not only a tax-payer to the State, but comparatively speaking, a large one.

Another good effect will result from this policy, is this ; all the small tracts of land not sufficiently valuable to attract the attention of the locator, the “land speculator” under the system adopted, or attempted to be adopted at the last session of this Legislature, or not large enough to attract the attention of the locator or speculator aforesaid, or “to file his certificate,” will be appropriated and occupied by a race of hardy and adventurous pioneers, who have ever stood upon the frontier settlements as a bulwark between the densely settlements of the country, and the savage foe, from the time this continent was first settled upon and successfully occupied by the Anglo Saxon race.

This policy which is proposed by the bill, will prevent persons from settling and committing trespasses on the lands of others. It is argued by the enemies of this bill, that the public domain should be preserved as a source of revenue to the State, and,

should not, therefore, be donated to the actual settler. That under the land system of the heretofore United States, the settler had to pay for his land and thereby added to the receipts of the public Treasury. This argument at first view, though plausible, is deceptive; for the best mode for deriving a revenue from the public lands, is to give it to those who will reclaim it from the savage foe, settle them and pay taxes thereon. All experience has shown, and especially for the past few years, that but little revenue has ever been derived from the sale of the public lands of Texas, and in the opinion of the undersigned, but little ever will be, under the policy advocated by the enemies to this bill.

The land system of the heretofore United States, cannot afford an argument against the bill now under consideration. It is true, the actual settler under said system, had to pay the government price for his lands, but it may be answered, that the government *protected* him in the occupancy and enjoyment of it. While tilling the soil thus acquired from said government, he is at peace and ease. He is not required to carry his knife and Colt's revolver to protect himself and family and property from the ruthless savage. That protection has never yet been afforded to the frontier settlers of Texas; and here the analogy ceases, or rather never existed between the two cases.

Large amounts of land have been set apart for educational purposes, and various charitable institutions, and should more be needed, it can be set apart for those purposes.

For the purpose of constructing railroads, 16 sections, or 10,240 acres of land to every mile of railroad which has been or may hereafter be made, have been donated by the State. The amount granted to one, will only amount to 10,240 acres of land as above stated, and as much as this bill proposes to give to fifty-one hardy pioneer families who may choose to settle on our frontier and avail themselves of its provisions. At the same time, the grant of lands that will be made under the provisions of this bill, should it become a law, will in no wise, lessen the number of miles of railroads that will hereafter be constructed; but on the contrary, increase their construction by increasing the value of their lands, and the necessity for the roads.

Many other good reasons might be added in favor of the policy proposed by the bill, but in the opinion of the undersigned, the above will suffice, at least for the present. It is true, that the undersigned object to some of the features of the bill, and particularly, to the proviso of the fifth section; but that may be obviated by an amendment, and besides it does not materially militate against the policy proposed by the bill.

Believing, therefore, that the passage of the bill with some slight amendments, will be productive of a vast amount of benefits to the State, by encouraging settlements upon the public lands,—by enhancing their value and the population, and the wealth of the State from the revenues derived from taxation; the undersigned most earnestly recommends the passage of the bill.

A. G. WALKER.

On motion of Mr. Walker, the bill was taken from the table and placed among the orders of the day.

A bill authorizing the issuance of treasury warrants receivable from Taxes and all government dues. Read first and second times, and referred to the committee on Finance.

A bill to amend an act to organize the Justice's Courts, and to define the powers and jurisdiction of the same, being the special order on the report of the Judiciary Committee, recommending amendments, was read.

Amendments adopted, and bill passed to third reading by the following vote :

YEAS.—Messrs. Chambers, Erath, Gentry, Quinan, Herbert, Lott, Martin, Miller, Parsons, Scarborough, Schleicher, Shepard and Walker—13.

NAYS.—Messrs. Duggan, Grimes, Hyde, Paschal, Potter, Quinan, Rains, Throckmorton and Townes—9.

Rule suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Chambers, Duggan, Dulaney, Erath, Fall, Gentry, Grimes, Guinn, Herbert, Lott, Martin, Miller, Parsons, Pitts, Schleicher, Shepard and Whaley—17.

NAYS.—Messrs. Harmon, Hyde, Paschal Potter, Quinan, Rains, Scarborough, Stockdale, Throckmorton and Townes—10.

The report of the committee on County and County Boundaries, on the petition of the citizens of the counties of Blanco and Kerr, asking change of boundaries of the counties; asking to be discharged from their further consideration, taken up and adopted.

The report of the committee on Private Land Claims, on the petitions of George Bernard, R. W. Spradly, E. G. Terrell, and

A bill for the relief of Charles Clark, and

An act to reorganize the Court of claims; asking to be discharged from the further consideration of the same, was taken up and adopted

Joint resolution providing for the sale of United States indem-

nity bonds, read second time and referred to the committee on State Affairs.

Joint resolution providing for the sale of United States indemnity bonds belonging to the School Fund, and the reinvestment of the same. Read second time and referred to committee on Claims and Accounts.

Mr. Paschal introduced a bill for the relief of Angel Navarro. Read first and second times, and referred to the committee on State Affairs.

Mr. Herbert introduced a bill to postpone forced sales. Read first and second times, and referred to the committee on State Affairs.

Mr. Scarborough introduced a bill reserving certain lands therein named, from sale or location. Read first and second times, and referred to the committee on the Judiciary.

A message was received from the House informing the Senate that the House had passed the Senate bills to extend the time for the survey of railroad certificates heretofore issued.

Joint resolution concerning the Texas and New Orleans Railroad, originating in that body.

And that the House concurred in the Senate amendment to a bill to amend an act to organize Justice's Courts, and define the jurisdiction and provisions of the same, approved March 20th, 1848.

And has passed, a bill to encourage the establishment of Manufactories in Texas.

Mr. Townes, from the committee on Enrolled Bills, reported the following bills correctly enrolled:

A bill granting an extension of time for the completion of the Washington County Railroad.

A bill for relief of Trinity Valley Railroad Company.

A bill for the relief of the Southern Pacific Railroad Company,

A bill to extend the time for the return of pre-emption field notes.

A bill to amend the 8th section of an act to incorporate the Eastern Texas Railroad Company, passed by the 8th Legislature of the State of Texas.

A bill to change the name of the county seat of Hidalgo county, and

An act prescribing the order of determining cases in the Supreme Court.

A bill to amend the 12th section of an act concerning proceedings in the District Court, approved March 16, 1848. Read second time.

On motion of Mr. Miller, the report of the majority of the committee against the bill was laid on the table by the following vote :

YEAS—Messrs. Duggan, Fall, Gentry, Grimes, Herbert, Lott, Miller, Parsons, Pitts, Rains, Scarborough, Schleicher, Shepard, Walker and Whaley—15.

NAYS—Messrs. Dulaney, Erath, Guinn, Harmon, Hyde, Martin, Paschal, Potter, Quinan, Stockdale, Throckmorton and Townes—12.

Mr. Stockdale moved to lay the minority report upon the table.

Upon which Mr. Potter moved a call of the Senate, which was sustained.

Mr. Walker moved to excuse Mr. Hart from attendance on the Senate.

Upon which Mr. Hyde moved a call of the Senate, which was sustained.

After some debate Mr. Hyde withdrew the call.

The question being upon the motion to excuse Mr. Hart, Mr. Stockdale made a point of order, whether the Senate could excuse a Senator, he not requesting it.

On motion, the Senate adjourned until 3 o'clock, P. M.

---

3 o'CLOCK, P. M.

Senate met—roll called—quorum present.

The President decided that the motion to excuse was in order.

Whereupon Mr. Erath moved to lay the motion on the table ; which was carried.

Mr. Quinan offered an amendment so as to make the bill take effect on 1st July, next.

Mr. Parsons moved to lay the amendment on the table. Carried, and bill ordered to a third reading.

The adjournment resolution being up and the question being on the adoption of Mr. Gentry's substitute, Mr. Duggan moved to lay it on the table. Carried.

Mr. Gentry then moved to lay the resolution on the table, upon which the yeas and nays stood thus :

YEAS—Messrs. Blanch, Gentry, Grimes, Harmon, Lott, Paschal, Schleicher, Shepard, Throckmorton and Whaley—10.

NAYS—Messrs. Chambers, Duggan, Dulaney, Erath, Guinn,

Herbert, Hyde, Martin, Miller Parsons, Pitts, Quinan, Rains, Scarborough, Stockdale, Townes and Walker—10.

Mr. Pitts offered a substitute:

*"Resolved,* The House concurring that the two houses of the Legislature will adjourn Saturday next at 8 o'clock, A. M., to reassemble on the 18th day of March next."

Upon which the yeas and nays were called, and stood thus:

YEAS.—Messrs. Chambers, Duggan, Dulaney, Grimes, Guinn, Herbert, Hyde, Martin, Miller, Parsons, Paschal, Pitts, Potter, Quinan, Scarborough, Shepard, Stockdale, Townes and Whaley—19.

NAYS—Messrs. Erath, Gentry, Harmon, Lott, Rains, Schleicher, Throckmorton, and Walker—9.

Mr. Gentry moved to strike out "18th March" and insert "4th March."

Mr. Guinn called for a division.

The question on striking out being put, the yeas and nays were as follows:

YEAS—Messrs. Blanch, Gentry, Harmon and Lott—4.

NAYS—Messrs. Chambers, Duggan, Dulaney, Erath, Grimes, Guinn, Herbert, Hyde, Martin, Miller, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—24.

Mr. Quinan moved the previous question; which was ordered.

The yeas and nays on the adoption of the resolution were then ordered, and stood thus:

YEAS—Messrs. Chambers, Duggan, Dulaney, Grimes, Guinn, Herbert, Hyde, Martin, Miller, Parsons, Pitts, Quinan, Scarborough, Shepard, Stockdale and Townes—16.

NAYS—Messrs. Erath, Gentry, Harmon, Lott, Paschal, Potter, Rains, Schleicher, Throckmorton, Walker and Whaley—12.

A bill to provide for the sale of land ceded to the United States for Indian purposes. Read second time, and made the order for 22nd day of March, next.

On motion, the Senate adjourned until  $7\frac{1}{2}$  o'clock, P. M.

7 $\frac{1}{2}$  o'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a bill reserving certain lands from sale, returned the same to the Senate and recommended its passage.

The President of the Senate announced the receipt of a communication from the President of the Convention of the State of Texas, enclosing the Ordinance of Secession.

Amendments of the House to a bill to provide payment of the expenses incurred by special bearer of dispatches sent by the Governor to Washington City, concurred in.

Mr. Paschal, from the committee on State Affairs, to whom was referred a bill to postpone forced sales, returned the same to the Senate and recommended its rejection.

The report of the Finance committee on a bill for the relief of S. G. Haynie, James G. Swisher and James Doyle, asking to be discharged from its further consideration, was on motion of Mr. Throckmorton, laid on the table and the bill ordered to be engrossed.

Rule suspended, bill read third time and passed.

A message was received from the House, informing the Senate that the House had passed the following bills originating in that body :

A bill to appropriate money to pay minute men for service on the frontier.

A bill amendatory of and supplemental to an act to incorporate the Memphis El Paso and Pacific Railroad Company, approved February 4th 1856, and

An act supplemental thereto, and

Senate's bill to reorganize the 8th and 20th Judicial Districts, and to define the time of holding courts therein, and

Had concurred in the resolution of the Senate, to adjourn on Saturday next, at 8 o'clock, A. M., to reassemble on the 18th March.

Mr. Potter, chairman of the committee on the Judiciary, made the following report :

The Judiciary committee have considered a Senate bill to fix compensation of members and officers of the Convention, that convened at Austin, January 28th, 1861, and a majority of the committee direct me to return the same to the Senate, and recommend that the further consideration of the bill be postponed until the reassembling of the Legislature in March next.

Messrs. Miller and Shepard made the following minority report :

The undersigned, a minority of the committee to which was referred a bill to fix the compensation of the members and officers of the Convention that convened at Austin on the 28th day of January, A. D., 1861, respectfully dissent from the majority and report the same back to the Senate and recommend its passage.

The majority report of the committee on Public lands, on a bill granting land to actual settlers on the public domain, recommending its rejection, was taken up and adopted.

A bill authorizing three regiments, &c. Read second time and made the special order for 19th March.

Joint Resolution concerning the Texas and New Orleans Railroad. Read first time.

Rule suspended, read second time, and passed to a third reading.

Rule further suspended, read third time and passed.

A bill to encourage the establishment of manufactories in Texas. Read first time.

Rule suspended, read second time.

Mr. Paschal moved to postpone the bill for 21st of March, which motion, was carried by the following vote:

YEAS—Messrs. Blanch, Duggan, Dulaney, Fall, Grimes, Guinn, Herbert, Miller, Paschal, Potter, Quinnan, Scarborough, Stockdale, and Townes—14.

NAYS.—Messrs. Chambers, Erath, Gentry, Harmon, Hyde, Lott, Pitts, Rains, Schleicher, Throckmorton and Whaley—11.

A bill to appropriate money to pay minute men for services on the frontier. Read first time.

Rule suspended, read second time.

Mr Erath offered the following amendment:

After the word “the” in last line of 1st section, strike out and insert “year 1860, by order of the Governor, and those that may render service under the existing laws during the present year.”

Mr. Miller moved to refer to the committee on the Militia. Lost.

The amendment of Mr. Erath, was then adopted.

Mr. Schleicher moved to amend by adding Capt. John Williams’ company of San Saba county.

Mr. Herbert moved to lay the amendment on the table. Lost.

The question recurring on Mr. Schleicher’s amendment, was taken and lost.

Mr. Quinan moved to amend by adding after “funds” in the first section “over and above the ordinary expenses of government.” Adopted, and bill ordered to a third reading.

Rule suspended, bill read third time and passed.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts, to whom was referred a bill for the relief of Angel Navarro, have instructed me to re-

port the facts upon which this bill is based, and submit the bill and the facts to the consideration of the Senate.

The Hon. Angel Navarro, was appointed by the Governor, a Commissioner in connection with the Hon. R. H. Taylor, to settle the difficulties at that time existing upon the Rio Grande, known as the Cortina War.

The said Navarro filed his account with the Comptroller, claiming in said account for mileage \$90,00, the other Commissioner, Taylor, not returning with Navarro ; and said Taylor was allowed by the Comptroller, \$240 00 mileage, for the same trip.

If the bill passes it will give Navarro the same amount that Taylor received.

On motion of Mr. Schleicher, the bill was taken up, read second time and ordered to be engrossed.

Rule suspended, bill read third time and passed.

Mr. Quinnan, from the committee on State affairs, made the following majority report :

The committee on State Affairs, to whom was referred the joint resolution providing for the sale of \$150,000 United States indemnity bonds, have had the same under consideration, and a majority of said committee instruct me to report the same back to the Senate, and recommend its passage.

The majority of the committee believe that the sale of these bonds is necessary to supply the Treasury with funds to meet the ordinary expenses of the government until the period when the annual taxes will be paid in, which is the first day of July next. At which time there can be no doubt the amount realized by the sale of these bonds, can be repaid. There is no other known source from which the present deficit in the Treasury can be supplied, and unless this is done, there is imminent danger that the government can not be efficiently carried on. Another reason which weighs with the committee, is, that the United States bonds are daily depreciating in value, and from the peculiar condition of our relations with the Federal Government they must still further and speedily greatly diminish in value. These bonds are set apart for the children of the State, and it is imperative upon us to adopt such measures as will secure the fund. The interest upon the bonds is distributed for educational purposes, and there is great reason to apprehend, if we retain the bonds in the Treasury as they are, that the interest may not be met, and the result will be, that the aid which the State has granted to common schools, must be discontinued.

It is true that the principal of these bonds, under the laws encouraging railroads, is pledged to be lent to railroad companies east of the Trinity river, but there will be no diversion of the money from that object, because the money will be repaid to the School Fund, before, by possibility, any railroad company is in position to demand the loan.

On motion the Senate adjourned until to-morrow morning 10 o'clock.

---

FRIDAY, Feb. 8, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Quinan, from the committee on State Affairs, to whom was referred a joint resolution providing for the sale of United States indemnity bonds belonging to the school fund, and the reinvestment of the same, returned the same to the Senate and recommended its passage.

Mr. Paschal, Chairman of the committee on Internal Improvements, made the following report:

"The committee on Internal Improvements have considered a bill originating in the House, to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved Feb. 4, 1856, and supplementary thereto, &c., and I am instructed to report the same and to recommend its passage with the following amendment to the caption, "and for the benefit of other Railroad Companies in the State of Texas."

Mr. Schleicher introduced a bill providing for the settlement of the claims of minute men, who served under Capt. John Williams during the years 1858 and 1859. Read first and second times and referred to the committee on Claims and Accounts, by the following vote:

YEAS—Messrs. Blanch, Dulaney, Fall, Guinn, Herbert, Lott, Miller, Parsons, Pitts, Quinan, Rains and Whaley—12.

NAYS—Messrs. Chambers, Duggan, Erath, Gentry, Paschal, Potter, Scarborough, Schleicher, Shepard, Stockdale and Townes—11.

Mr. Guinn offered the following resolution:

*"Resolved*, That the Hon. E. B. Scarborough and other Senators, be allowed *per diem* from the first day of the session and that the Secretary of the Senate be required to issue them certificates to that effect. Adopted.

A message was received from the House, informing the Senate that the House had passed a bill to pay John Marshall for certain services.

A bill supplemental to an act to provide for submitting the Ordinance of secession to the people.

A bill for the relief of Angel Navarro, and that the House concurred in the Senate's amendment to appropriate money for the pay of minute men on the frontier.

A bill supplemental to an act providing for the appointment of pilots, passed April 7, 1848.

Senate's bill to incorporate the Uvalde Irrigation Company.

#### ORDERS OF THE DAY.

A bill to amend the twelfth section of an act concerning proceedings in the District Courts, approved March 16, 1848. Read second time.

Mr. Gentry moved to make it the special order for the 25th of March, next.

Mr. Paschal moved to lay Mr. Gentry's motion on the table, which was lost by the following vote:

YEAS—Messrs. Blanch, Chambers, Duggan, Harmon, Herbert, Lott, Miller, Parsons, Paschal, Schleicher, Shepard and Whaley —12.

NAYS—Messrs Dulaney, Erath, Fall, Gentry, Quinn, Hyde, Pitts, Potter, Quinan, Rains, Scarborough, Stockdale, Throckmorton and Townes—14.

The question recurring upon the postponement was carried by the following vote:

YEAS—Messrs. Dulaney, Erath, Gentry, Quinn, Harmon, Hyde, Pitts, Potter, Quinan, Rains, Scarborough, Stockdale, Throckmorton and Townes—14.

NAYS—Messrs. Blanch, Chambers, Duggan, Fall, Herbert, Lott, Miller, Parsons, Paschal, Schleicher, Shepard and Whaley —12.

Mr. Townes introduced a bill supplemental to an act to provide for submitting the Ordinance of secession to the people, passed Feb. 7, 1861. Read first and second times and referred, on motion of Mr. Quinn, with a bill on the same subject from the House received to-day, to the committee on State Affairs, with instructions to report at 3 o'clock, P. M.

A message was received from the House, informing the Senate that the House had passed Senate's bill making an appropriation to pay S. G. Haynie, J. G. Swisher and James Doyle.

Mr. Throckmorton, from the committee on Finance, made the following report:

The committee on Finance, have considered a bill from the House of Representatives, authorising the issuance of Treasury warrants receivable for taxes and all Government dues. A part of the members of the committee have instructed me to report the accompanying bill to provide for funding the debt incurred for the protection of the frontier as a substitute, which was adopted.

Mr. Guinn moved to strike out "eight per cent," and insert "six per cent." Lost.

Bill ordered to be engrossed, rule suspended, read third time and passed.

On motion the Senate adjourned to 3 o'clock, P. M.

---

3 o'CLOCK, P. M.

Senate met—roll called—quorum present.

Messrs. Blanch and Chambers made the following minority report:

"We, of the committee on State Affairs, being a minority of the same, beg leave to dissent from the report of the majority, and recommend for the consideration of the Senate, a bill to postpone forced sales."

The report of the committee on Internal Improvements, on a bill amendatory and supplemental of an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved Feb. 4, 1856, and an act supplemental thereto, approved Feb. 4, 1856, and an act amendatory thereto, approved Aug. 25, 1856, and an act amendatory thereto, approved Feb. 10, 1858, recommending its passage, with amendments, taken up read second time, amendments adopted, and bill passed to a third reading.

Mr. Gentry moved to reconsider the vote adopting the amendments. Carried.

Mr. Quinan offered the following amendment:

Strike out the caption and insert, "a bill for the relief of the Memphis, El Paso and Pacific Railroad Company, and all other Railroad Companies." Adopted.

Bill passed to a third reading. Rule suspended bill read third time and passed by the following vote:

YEAS—Messrs. Blanch, Chambers, Dulaney, Fall, Gentry, Harmon, Herbert, Hyde, Parsons, Paschal, Pitts, Quinan, Scarborough, Schleicher, Shepard, Stockdale and Throckmorton—17.

NAYS—Messrs. Duggan, Guinn, Lott, Miller, Potter, Townes and Whaley—7.

Mr. Shepard, Chairman of the committee on State Affairs, to whom was referred a House bill supplemental to an act to provide for submitting the Ordinance of secession to the people, reported the bill back to the Senate and recommend its passage with the following amendments:

1st—Amend by striking out the first section.

2nd—Amend by striking out all after the word “and” in the seventh line of section second down to the words “all such” in twelfth line.

3rd—Strike out “aforesaid” in section second and insert “referred to in the act to which this is supplemental.”

Mr. Townes, from the committee on State Affairs, made the following minority report:

“The undersigned, a minority of the committee on State Affairs, respectfully dissents from the report of the majority, on the bill supplemental to an act to provide for submitting the Ordinance of secession to the people, passed by the House of Representatives and referred to this committee, and on an original Senator’s bill on the same subject, also referred to the committee. The minority prefer the original bill, but as the House bill is substantially the same, and has already passed the House, and the original would probably be lost for want of time for the House to act upon it, they waive the preference and respectfully recommend to the Senate the passage of the House bill without amendment.”

A bill to postpone forced sales, on report of the committee on State Affairs, recommending its rejection, was taken up.

Report laid on the table on motion of Mr. Herbert.

Mr. Miller moved to lay the bill on the table, upon which the yeas and nays stood thus:

YEAS—Messrs. Harron, Hyde, Miller, Potter, Quinan, Scarborough, Stockdale, Throckmorton and Townes—9.

NAYS—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath, Fall, Guinn, Herbert, Lott, Parsons, Paschal, Pitts, Rains, Schleicher, Shepard and Whaley—15.

The question being on the engrossment of the bill, Mr. Townes moved a call of the Senate, which was sustained.

On motion the Senate adjourned until  $7\frac{1}{2}$  o’clock, P. M.

7 $\frac{1}{2}$  o’clock, P. M.

Senate met—roll called—quorum present.

The question before the Senate being the engrossment of the bill to postpone forced sales.

Mr. Hyde moved to take up bill supplementary to an act for the appointment of pilots. Carried.

Bill read first time.

Rule suspended, read second time and passed to third reading.

Rule further suspended, read third time and adopted.

On motion of Mr. Townes, the rule was suspended, and a bill supplementary to an act to provide for submitting the Ordinance of secession to the people, together with the majority and minority reports of the committee on State Affairs, was taken up.

On motion of Mr. Townes, the majority report recommending amendments to the bill, was laid on the table.

The bill was read and passed to a third reading.

On motion Mr. Townes, the rule was further suspended, bill read third time and adopted.

Mr. Blanch introduced a bill for the relief of John A. Cummings. Read first time, rule suspended, read second time and ordered to be engrossed. Rule further suspended read third time and adopted.

On motion of Mr. Duggan, a bill making an appropriation to pay John Marshall for certain services, was taken up. Read first time, rule suspended, read second time.

Mr. Schleicher moved to refer the bill to the committee on Claims and Accounts, with instructions to report by 20th of March, next. Carried.

Mr. Throckmorton moved to reconsider the vote adopting Mr. Quinan's amendment to caption of bill supplementary to act, amendatory of and supplemental to act to incorporate the Memphis and El Paso Railroad Company, upon which the yeas and nays were taken and stood thus:

YEAS—Messrs. Erath, Fall, Guinn, Harmon, Miller, Potter, Rains, Throckmorton and Townes—9.

NAYS—Messrs. Blanch, Chambers, Duggan, Gentry, Herbert, Hyde, Lott, Parsons, Paschal, Pitts, Quinan, Scarborough, Schleicher and Shepard—14.

A message was received from the House, that the House had passed the Senate's substitute for House bill, making Treasury warrants receivable for all Government dues.

Mr. Dulaney moved to reconsider the vote taken to-day, which postponed the consideration of a bill to amend the twelfth section of an act regulating proceedings in the District Court.

Mr. Potter moved to lay that motion on the table. Upon which the yeas and nays were called and stood thus:

YEAS—Messrs. Erath, Guinn, Harmon, Hyde, Potter, Quinan, Rains, Scarborough, Throckmorton and Townes—10.

**NAYS**—Messrs. Chambers, Duggan, Dulaney, Herbert, Lott, Miller, Parsons, Paschal, Pitts and Schleicher—10.

There being no quorum, Mr. Parsons moved a call of the Senate, which was sustained.

Mr. Hyde introduced the following resolution:

*"Resolved*, That the Secretary of the Senate, be continued in service ten days after the adjournment of the present session, for the purpose of filing the papers, preparing and indexing Journals, &c., for which service he may be paid five dollars per day, out of the contingent fund of the Legislature." Adopted.

Mr. Shepard introduced a joint resolution, to pay John Marshall \$2500 for printing Appendix to Gazette, &c. Read first time, rule suspended, read second time and ordered to be engrossed. Rule further suspended, read third time and passed.

A message from the House that the House had concurred in the amendments of the Senate to a bill for the relief of the Memphis and El Paso Railroad Company.

Mr. Townes made the following report:

"The committee on Enrolled Bills, respectfully report that they have examined the following acts to-wit:"

An act to amend an act entitled an act to organize the Justice's Courts, and to define the powers and jurisdiction of the same.

An act to organize the 17th Judicial District, and define the time of holding the District Courts therein.

An act making an appropriation to pay for the supplies furnished the troops now on the frontier.

An act supplemental to an act, for the relief of Myrum Mudget, Daniel Kitchings, A. L. Spencer and E. G. Cantwell, approved Feb. 8, 1860.

An act to extend the time for the survey of Railroad Certificates issued.

An act to provide payment of expenses incurred by special bearer of dispatches sent by the Governor to Washington city.

An act to amend the third section of an act entitled an act to regulate the decent and distribution of intestestate's estates, approved March 18, 1848.

A joint resolution with regard to the Texas and New Orleans Railroad.

An act authorizing Treasury warrants to be received in payment of certain dues.

An act to reorganize the 8th and 20th Judicial Districts, and define the times of holding the Courts therein.

An act for the relief of Angel Navarro.

And find the same correctly enrolled and signed, and that they have this day been presented to the Governor."

The call of the Senate being suspended, Mr. Dulaney's motion to reconsider the vote postponing the bill to amend the twelfth section of the act regulating proceedings in the District Court being in order, was put and carried.

Mr. Paschal moved to indefinitely postpone the bill.

Mr. Parsons moved to lay the motion on the table.

Mr. Throckmorton moved a call of the Senate, which was sustained.

Mr. Guinn moved to adjourn until to-morrow morning, 7½ o'clock.

The yeas and nays were called and stood thus:

YEAS—Messrs. Erath, Fall, Guinn, Herbert, Hyde, Paschal, Potter, Quinan, Scarborough and Schleicher—10.

NAYS—Messrs. Blanch, Chambers, Duggan, Dulaney, Gentry, Harmon, Lott, Miller, Parsons, Pitts, Shepard, Throckmorton, Townes and Whaley—14.

Mr. Potter moved to adjourn until 55 minutes past 7 o'clock, A. M. to-morrow.

Upon which the yeas and nays were as follows:

YEAS—Messrs. Duggan, Erath, Fall, Gentry, Guinn, Herbert, Hyde, Paschal, Potter, Scarborough, Schleicher and Throckmorton—11.

NAYS—Messrs. Blanch, Chambers, Dulaney, Gentry, Harmon, Lott, Miller, Parsons, Pitts, Quinan, Shepard, Townes and Whaley—13.

Mr. Erath moved to adjourn till 7½ o'clock, A. M. to-morrow.

Upon which the yeas and nays were as follows.

YEAS—Messrs. Duggan, Erath, Fall, Guinn, Harmon, Herbert, Hyde, Paschal, Potter, Scarborough and Throckmorton—11.

NAYS—Messrs. Blanch, Dulaney, Gentry, Lott, Miller, Parsons, Pitts, Quinan, Schleicher, Shepard and Whaley—11.

There being a tie, and Mr. Quinan being in the chair, the motion was lost.

Mr. Townes, from the committee on Enrolled Bills, made the following report.

"The committee on Enrolled Bills, have examined the following acts, to-wit:"

An act for the relief of the Memphis and El Paso Railroad Company, and all other Railroad Companies in the State.

An act appropriating \$2500 for the payment of S. G. Haynie, James G. Swisher and James Doyle, for services rendered as

Commissioners and Superintendent of the building of the Capitol.

An act to incorporate the Uvalde Irrigation Company.

An act supplemental to an act providing for the appointment of Pilots, passed April 7, 1846.

An act to provide for the funding of the debt contracted for the protection of the frontier.

An act supplemental to an act to provide for submitting the Ordinance of secession to a vote of the people, passed at the present session.

And have found the same correctly enrolled, properly signed and were this day presented to the Governor for approval.

On motion the Senate adjourned until 40 minutes past 7 o'clock, A. M. to-morrow.

---

SATURDAY, Feb. 9, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain.

There being no quorum present, on motion of Mr. Quinn the Senate adjourned until the 18th day of March, next, at 3 o'clock, P. M.

ADJOURNED SESSION  
OF THE  
EIGHTH LEGISLATURE.

---

SENATE CHAMBER, }  
18th March, 1861, 3 O'CLOCK, P. M. }

The Senate met pursuant to adjournment, and having been called to order by Hon. Jess- Grimes, President *pro tem*, a prayer was offered by the Chaplain, Rev. W. Thomas.

The roll of the Senate being called and no quorum appearing, on motion of Mr. Throckmorton, the Senate adjourned until 10 o'clock, A. M. to-morrow.

---

TUESDAY, MARCH 19, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

Mr. Throckmorton presented the credentials of B. F. Neal, Senator elect from the 19th Judicial District.

Mr. Blanch introduced the following resolution:

WHEREAS, since the adjournment of the Legislature, the people of Texas have, by the adoption of the Ordinance of Secession, severed their connection with the United States of America, and a connection has been formed with other States, for mutual defence and protection, styled the Confederate States of America, under a provisional Government, formed by them, and it is proper that the members of this body, shall be bound by oath or affirmation, to the support of the same.

*Therefore be it resolved*, That in addition to the oath prescribed by the Constitution, except so much as is of necessity abrogated by the adoption of the Ordinance of secession, each

member of this body shall take the following oath or affirmation, to be administered by the President:

I, \_\_\_\_\_, do solemnly swear or affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my skill and ability, agreeably to the Constitution and laws of the State of Texas, and also to the Constitution and laws of the Confederate States of America, so long as the State of Texas shall remain a member of that Confederacy; and I do further solemnly swear or affirm, that since the second day of March, A. D. 1861, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, or out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge or aided, advised, or assisted any person thus offending, so help me God. Adopted.

The members and officers of the Senate, then came forward and took the oath prescribed.

Mr. Chambers presented the memorial of Allen Urguhart and Albert Johnson, with reference to the certificates of the Buffalo Bayou, Brazos and Colorado Railroad Company. Referred to the committee on Public Lands.

Mr. Miller presented the memorials of Wm. McHenry and others, praying a donation of a site for Divine Worship. Referred to the committee on Public Lands.

Mr. Miller presented the memorial of Sam'l J. W. Long and others, praying relief against forced sales. Referred to the Judiciary Committee.

Mr. Miller presented the memorials of W. R. Matchloct and others, praying for arms and equipments. Referred to the committee on the Militia.

Mr. Walker presented the petition of J. B. Wosiac, in reference to the suspension of the laws for the collection of debts. Referred to the Judiciary Committee.

Mr. Fall presented the petition of sundry citizens of Tarrant county, in reference to a change of venue. Referred to special committee consisting of Messrs. Fall, Guinn, Throckmorton, Potter and Quinan.

A bill to amend the law regulating the assessment and collection of taxes being the special order of the day, was, on motion of Mr. Potter, laid on the table.

The report of the committee on State Affairs, on a bill for the sale of \$150,000 indemnity bonds, on motion of Mr. Potter laid on the table.

A bill to fix compensation of members and officers of the

Convention which convened at Austin, January 28, 1861.  
Laid on the table.

Joint resolution providing for the sale of United States indemnity bonds belonging to the School Fund, and the reinvestment of the same, with the report of the committee thereon.  
Laid on the table.

A bill to postpone forced sales with the report of the committee thereon. Laid on the table.

A bill to organize three regiments of volunteers. Laid on the table.

Mr. Fall introduced a bill for the relief of Martin Jones.  
Read first and second times and referred to the committee on Private Land Claims.

Mr. Walker introduced a bill for the relief of Ware Beuge.  
Read first and second times and referred to the committee on Private Land Claims.

Mr. Blanch introduced a bill to amend an act authorizing and requiring the County Courts to regulate roads, appoint overseers, &c., approved Feb. 8, 1858. Read first and second times and referred to the Judiciary Committee.

Mr. Potter introduced a bill to amend the second and third sections of an act entitled an act to incorporate the Southern Cotton Press and Manufacturing Company, approved February 11, 1860. Read first and second times and referred to the committee on the Judiciary.

A bill reserving certain lands therein named from sale, location or patent. Read and ordered to be engrossed.

On motion of Mr. Scarborough, rule suspended, bill read third time and passed.

Mr. Stockdale, Chairman of the committee on Enrolled Bills, reported a bill changing the time of holding the District Courts in the 9th Judicial District, correctly enrolled, properly signed, and this day presented to the Governor.

On motion of Mr. Ginn, Mr. Neal was added to the various committees on which Senator Britton had been placed.

A committee from the House, announced that the House had organized, and were ready to proceed to business.

On motion of Mr. Dulaney, a committee of three was appointed to inform the House of the organization of the Senate.

Messrs. Dulaney, Blanch and Herbert, were named as said committee.

On motion of Mr. Miller, a committee of three were appointed to act in conjunction with a like committee of the House of Representatives, to wait upon the Governor, and to know if he had any communication to make.

Whereupon Messrs. Miller, Fall and Lott, were named as the committee, who performed that duty.

On motion the Senate adjourned until 10 o'clock, A. M. tomorrow.

---

WEDNESDAY, March 20th, 1861.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called, quorum present.

Mr. Quinn presented the petition of Milton T. Tucker. Referred to the committee on the Judiciary.

Mr. Walker presented the petition of Simon Jones, with reference to the estray law. Referred to the committee on Stock and Stock Raising.

Mr. Miller presented the memorial of citizens of the town of Crockett. Referred to the committee on the Judiciary.

Mr. Chambers presented the petition of sundry persons of Titus county, in reference to the jury fund of said county. Referred to the committee on the Judiciary.

Mr Parsons introduced a bill to authorize James W. Flanagan and his associates to construct a bridge across the Sabine River. Read first and second times and referred to the committee on Roads Bridges and Ferries.

Mr. Chambers introduced a bill to provide for running the county lines between the counties of Marion Cass and Titus. Read first time; rule suspended; read second time and ordered to be engrossed. On motion of Mr. Chambers, rule further suspended; bill read third time and passed.

Mr. Potter introduced a bill to incorporate the Galveston Seminary. Read first and second times and referred to the Judiciary committee.

Mr. Potter introduced a bill to incorporate the Galveston Turner's Association. Read first and second times and referred to the committee on the Judiciary.

Mr. Neal introduced a bill concerning forced sales. Read first and second times and referred to the Judiciary committee.

Mr. Walker introduced a bill supplementary to and amendatory of an act to incorporate the Dallas Bridge Company. Read first and second times and referred to the committee on Roads, Bridges and Ferries.

Mr. Erath introduced a bill supplemental to an act supplemental to an act regulating estrays, approved February, 1861.

Read first and second times, and referred to the committee on Stock and Stock Raising.

Mr. Quinan introduced a bill, further regulating proceedings in the District Court. Read first and second times and referred to the committee on the Judiciary.

Mr. Walker introduced a bill to define the Homestead not in a town or city. Read first and second times and referred to the committee on the Judiciary.

Mr. Herbert introduced a bill to amend an act to incorporate the Columbus, Tap Railway Company, approved 2nd February, 1860. Read first and second times and referred to the committee on Internal Improvements.

Mr. Fall, chairman of the committee on Engrossed bills reported a bill reserving certain lands therein named from sale location or patent correctly engrossed.

Mr. Hyde offered the following resolutions which were unanimously adopted :

*Be it resolved*, That in the death of General Forbes Britton, the community in which he lived has lost one of its brightest ornaments; the State of Texas, one of her most able and efficient representatives in her Senate; his family, a true, faithful and devoted husband, father and friend.

*Resolved*, That we tender our heartfelt sympathy to the bereaved family of the deceased.

*Resolved*, That the members of the Senate wear the usual badge of mourning for thirty days.

*Resolved*, That a copy of these resolutions be forwarded to the family of our deceased brother.

*Resolved*, That the Senate now stand adjourned until to-morrow morning 10 o'clock.

---

THURSDAY, March 21st, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Stockdale presented the petitions of H. McB. Pridgeon and John R. Hamilton and wife. Referred to the committee on the Judiciary.

Mr. Martin, chairman of the committee on Stock and Stock Raising, to whom was referred a bill to amend the act supplemental to an act to regulate estrays, approved February 5, 1861, reported a substitute for the bill and recommended its adoption.

Mr. Potter, chairman of the committee on the Judiciary, made the following reports :

The Judiciary committee have considered a bill to incorporate the Galveston Seminary, and direct me to report the same to the Senate and recommended its passage.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a bill further regulating proceedings in the Districts courts, reported a substitute for the bill and recommended its passage.

On motion of Mr. Guinn, the rule was suspended, substitute read, adopted, and ordered to be engrossed; rule further suspended, read third time and passed.

Mr. Potter, from the committee on Internal Improvements, to whom was referred a bill to incorporate the Columbus Tap Railway Company, approved 2nd February, 1860, returned the same to the Senate and recommended its passage.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a bill to amend the 2nd and 3rd sections of an act to incorporate the Southern Cotton Press and Manufacturing Company, approved February 11th, 1860, reported the same to the Senate and recommended its passage.

On motion of Mr. Potter, the rule suspended, bill taken up, read second time, and ordered to be engrossed; rule further suspended, read third time and passed by the following vote:

YEAS—Messrs. Chambers, Duggan, Dulaney, Erath, Fall, Grimes, Guinn, Herbert, Hyde, Lott, Martin, Neal, Parsons, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Stockdale and Walker—22.

NAYS—Mr. Throckmorton—1.

Mr. Miller, from the Judiciary committee, to whom was referred a bill concerning the corporation of the town of Crockett reported the same to the Senate and recommended its passage.

On motion of Mr. Miller, the rule suspended bill taken up, read second time and ordered to be engrossed; rule further suspended, read third time and passed.

A message was received from the House informing the Senate that the House had passed a bill to attach the unorganized counties of Wichita, Wilbarger, Hardeman and Greer, to the county of Clay, so as to form one Land District.

• A bill granting a pension to William H. Anderson.

Mr. Potter, chairman of the Judiciary committee, to whom was referred a bill to incorporate the Galveston Turner's Association reported the same to the Senate and recommended its passage,

Mr. Throckmorton introduced a bill making an appropriation to pay for mules furnished the military service of the State. Read first and second times and referred to the committee on Finance.

Mr. Walker introduced a bill to regulate forced sales of property under execution by Sheriff's, and other officers. Read first and second times and referred to the committee on the Judiciary.

Mr. Harmon introduced a bill to repeal the joint resolution respecting county Surveyors, approved December 29th, 1837. Read first and second times and referred to the committee on Land Office.

Mr. Throckmorton introduced a bill to incorporate the Sherman Odd Fellows Female Institute. Read first and second times and referred to the committee on Education.

Mr. Fall, chairman of the committee on Engrossed Bills reported a bill to provide for running the county lines between the counties of Marion, Cass and Titus, correctly engrossed.

Mr. Walker offered the following resolution:

*Resolved*, by the Senate, that the committee on Finance take into consideration the propriety and impropriety of reducing the number of officers, and also the salaries and fees of the officers of the State of Texas, and that they report by bill or otherwise as soon as practicable. Adopted.

Mr. Fall, offered the following resolution:

*Resolved*, That the committee on the Land Office, be instructed to enquire into the necessity of having all documents relating to land or land titles, that are now at different points in this State, removed to, and deposited in the General Land Office, and that they report by bill or otherwise. Adopted.

On motion of Mr. Walker, Mr. Neal was added to the committee on Finance.

On motion of Mr. Parsons, Mr. Branch was added to the same committee.

On motion of Mr. Quinn, Mr. Duggan was placed on the committee of Claims and Accounts.

On motion of Mr. Walker, Messrs. Lott and Throckmorton, were added to the committee on Public Lands.

A bill to encourage the establishment of Manufactories in the State of Texas, being the special order was taken up.

Mr. Fall, offered the following amendment:

Add after the word powder, "and leather," "and all articles manufactured of leather."

On motion the bill and amendment was referred to the committee on State Affairs.

The President announced the receipt of a communication from the Secretary of the Convention, containing the ordinances of that body, which was on motion laid on the table.

The report of the committee on Stock and Stock Raising reporting a substitute for the bill to amend the act supplementary to an act to regulate estrays, approved February 5th, 1861, was, on motion of Mr. Guinn, taken up, and the substitute adopted.

Mr. Guinn then offered a substitute, and on motion the bill was referred to the committee on Stock and Stock Raising.

On motion of Mr. Shepard, the Senate adjourned til 10 o'clock to-morrow.

---

FRIDAY, March 22nd, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Dulaney, presented the memorial of sundry citizens of Panola county. Referred to the Committee on State Affairs.

Mr. Rains presented the petition of sundry citizens of Wood county. Referred to the committee on the Judiciary.

Mr. Potter, chairman of the committee on the Judiciary, made the following reports :

The Judiciary committee have considered the petition in relation to the oath to be taken by attorneys at law and direct me to report the accompanying bill and recommend its passage.

A bill to amend the first section of an act to amend the fourth section of an act of May 12th, 1846, entitled an act to regulate the license and practice of attorneys and counsellors at law, and

To amend the second section of the act of February 11th, 1854, entitled an act to amend the 9th and 10th sections of an act to regulate the license and practice of attorneys and counsellors at law, approved January 24th 1860. Read first time.

The Judiciary committee have considered the application of the Chief Justice of Titus county, for the passage of an act authorizing the County Court of said county, to transfer a portion of the accumulated jury fund of said county, to the general county fund, and a majority of the committee direct me to report a general bill on the subject, and recommend its passage.

A bill to authorize the County Courts of the several counties

to transfer portions of the jury fund to the general county fund. Read first time.

Mr. Quinan introduced a bill requiring Insurance Companies and agencies not chartered by this State, to take out license and to secure to the insured the risks taken by them. Read first and second times, and referred to the committee on the Judiciary.

Mr. Erath introduced a bill for the relief of Charles Finney.

Read first and second times, and referred to the committee on Private Land Claims.

A bill to provide for the sale of land ceded to the United States for Indian purposes by act of the Legislature, approved February 6th, 1860, being the special order was taken up and

On motion of Mr. Throckmorton, referred to the committee on Finance.

A bill to incorporate the Galveston Turner's Association. Read and ordered to be engrossed.

On motion of Mr. Potter, rule suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath, Fall, Grimes, Guinn, Harmon, Herbert, Hyde, Martin, Miller, Neal, Parsons, Potter, Quinan, Rains, Scarborough, Shepard, Stockdale, Throckmorton, Walker and Whaley—24.

NAYS.—None.

A bill to incorporate the Galveston Seminary. Read and ordered to be engrossed.

On motion of Mr. Potter, rule suspended, bill read third time and passed by the following vote :

YEAS.—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath, Fall, Grimes, Guinn, Harmon, Herbert, Martin, Miller, Parsons, Potter, Quinan, Rains, Scarborough, Shepard, Stockdale, Throckmorton, Walker and Whaley—22.

NAYS.—None.

A bill to incorporate the Columbus Tap Railway Company, approved 2nd February, 1860. Read and ordered to be engrossed.

On motion of Mr. Herbert, rule suspended, bill read third time, and passed by the following vote :

YEAS.—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath, Fall, Grimes, Guinn, Herbert Hyde, Martin, Miller, Neal, Parsons, Potter, Quinan, Rains, Scarborough, Shepard, Stockdale, Throckmorton, Walker and Whaley—23.

NAYS.—None.

A bill granting a pension to William H. Anderson. Read first and second times and referred to the committee on Claims and accounts.

A bill to attach the unorganized counties of Wilbarger, Wichita, Hardeman and Greet, to the county of Clay, so as to form one land district. Read first and second times, and referred to the committee on Land Office.

The communication received on yesterday from the Secretary of the Convention, transmitting the Ordinances of that body, was taken up on motion of Mr. Potter, and referred to the committee on State Affairs.

A bill to amend the first section of an act to amend the fourth section of the act of May 12th, 1846, entitled an act to regulate the license and practice of attorneys and counsellors at law, and to amend the second section of the act of February 11th 1854, entitled an act to amend the 9th and 10th section of an act to regulate the license and practice of attorneys and counsellors at law, approved January 24th, 1860, was on motion of Mr. Quinn, taken up.

Rule suspended, read second time and ordered to be engrossed.

Rule further suspended, read third time and passed.

A bill to authorize the county courts of the several counties, to transfer portions of the jury fund to the general county fund, was on motion of Mr. Potter, taken up, rule suspended, read second time and ordered to be engrossed.

Rule further suspended, read third time and passed.

On motion of Mr. Martin, Mr. Harmon was added to the committee on the Land Office.

On motion of Mr. Fall, Mr. Dulaney was added to the committee on Engrossed Bills.

Mr. Miller introduced a bill supplemental to an act entitled an act to reduce into one, and to amend the several acts concerning executions, passed January 27th, 1842. Read first and second times, and referred to the committee on the Judiciary.

Mr. Dulaney introduced a bill to authorize and require the Treasurer of the State of Texas to pay out the several sums of money appropriated by an act of the Legislature, making appropriations to supply the deficiency in former appropriations and for other purposes, approved February 14th, 1860. Read first and second times, and referred to the committee on Finance.

Mr. Throckmorton offered the following resolution :

*Resolved*, That the House concurring, a joint committee of three on the part of the Senate, and five on the part of the House be raised for the purpose of examining into the propriety

of reducing the expenditures of the State Government, and that said committee report by bill or otherwise. Adopted.

Messrs. Throckmorton, Quinn and Parsons were appointed said committee on part of the Senate.

Mr Duggan offered the following resolutions, which were unanimously adopted :

*Resolved*, That in the death of the Rev. James C. Wilson, Texas has lost one of her most gifted, noble and patriotic statesmen, the community one of its brightest ornaments, and the cause of Christianity, one of its most able, efficient and useful Ministers.

*Resolved*, That we tender to his bereaved widow and fatherless children our deep and heartfelt sympathy in their irreparable loss. And that a copy of these resolutions be forwarded to them by the Secretary of the Senate.

*Resolved*, That as a token of respect, and in honor to our beloved and departed friend, we will wear the usual badge of mourning for thirty days. And that this Senate stand adjourned until 10 o'clock, A. M., to-morrow.

---

SATURDAY, March 23d, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called quorum present.

The journal of yesterday was read and adopted.

A message was received from the House informing the Senate, that the House had passed a bill to prescribe the pay and mileage of the members and pay of the officers of the State Convention and to make an appropriation for the same.

On motion of Mr. Petter, the bill was taken up. Read first and second times, and referred to the committee on Finance, and Messrs. Herbert and Stockdale were added to that committee.

Mr. Duggan presented the petition of Thomas G. McGehee, for relief. Referred to the committee on Private Land Claims.

Mr. Miller presented the petition of William Rice, asking compensation for services rendered. Referred to the committee on Private Land Claims.

Mr. Quinn, chairman of the committee on Claims and Accounts, to whom was referred a House bill granting a pension to William H. Anderson, reported the same to the Senate and recommended its passage.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed.

A bill concerning the corporation of the town of Crockett.

A bill further regulating proceedings in the District Court.

A bill to amend the 2nd and 3rd sections of an act to incorporate the Southern Cotton Press and Manufacturing Company, approved, February 11th, 1860.

A bill to authorize the county courts of the several counties to transfer portions of the jury fund to the general county fund.

A bill to incorporate the Galveston Seminary.

A bill to incorporate the Galveston Turner's Association.

A bill to amend an act to incorporate the Columbus Tap Railway Company, approved 2nd February, 1860.

A bill to amend the 1st section of an act to amend the 4th section of an act of May 12th 1846, entitled an act to regulate the license and practice of Attorneys and Counselors-at-law, and to amend the 2nd section of the act of February 11th, 1854, entitled an act to amend the 9th and 10th sections of an act to regulate the license and practice of Attorneys and Counselors-at-law, approved January 24th 1860.

Mr. Potter, chairman of the committee on the Judiciary, made the following report :

The Judiciary committee have considered a bill supplemental to an act entitled an act to reduce into one, and amend the several acts concerning executions, passed January 27th, 1842. The object of the bill is to re-enact the two-thirds appraisement system of sales under execution, which was repealed by the execution act of 27th January, 1842. The proposition is presented as a portion of the proposed stay law legislation which is now before the Senate and for the reasons heretofore assigned by the committee during the present session against such legislation, a majority of the committee direct me to return the bill to the Senate and recommend its rejection.

The committee have also considered a bill to regulate forced sales of property under execution by Sheriff's and other officers. The object of the bill is the same as that above reported on and a majority of the committee recommend its rejection.

Mr. Miller, from the Judiciary committee, made the following minority report :

The Judiciary committee, to whom was referred a bill supplemental to an act entitled an act to reduce into one, and amend the several acts concerning executions, passed January 27th, 1842, and several other bills and memorials on the same subject, have had the same under consideration, and a minority of said committee have instructed me to report the same back to the Senate and recommend its passage with amendment. The minority is

fully impressed with the importance of stability in the laws and the deleterious effects of sequent and unnecessary changes. And under no ordinary circumstances would they consent to be instrumental even in the slight change now proposed. But the failure of several years crops, consequent upon long continued droughts and the derangement of the financial and commercial world resulting from the political coneections now agitating the North American States have inaugurated a crisis such as is not likely to occur again in a quarter of a century. Capital is being withdrawn from the market, our people are indebted and can now by no possibility obtain the means of liquidation hence the several memorials to the Legislature for a short respite, until they can realize the proceeds of the years crop, for which the prospect was never brighter.

The bill recommended is simply a revival of the appraisement law of 1842, which was the last of a series of such laws, which then afforded much relief. The bill is supplemental—repeals no law and exists only for twelve months, it then ceases and leaves the present execution law entire.

Mr. Dulaney introduced a bill to amend an act to regulate Ferries, passed January 23<sup>rd</sup>, 1850. Read first and second times and referred to the committee on Roads Bridges and Ferries.

Mr. Herbert introduced a bill for the relief of Thomas H. Duggan. Read first and second times and referred to the committee on Private Land Claims.

Mr. Harmon, from the committee on Land Office, to whom was referred a bill to repeal the joint resolution concerning county Surveyors, approved December 29th, 1837, reported the same to the Senate and recommended its passage.

On motion of Mr. Guinn, a bill granting a pension to William H. Anderson was taken up, rule suspended; read and passed to a third reading; rule further suspended bill read third time and passed.

On motion of Mr. Erath a bill to repeal the joint resolution respecting county Surveyors, approved December 29th, 1837, was taken upon, rule suspended bill read and ordered to be engrossed; rule further suspended, read third time and passed.

Mr. Miller, chairman of the Finance committee, to whom was referred a bill to prescribe the pay and mileage of the members, and pay of the officers of the State Convention, and to make an appropriation for the same, reported the bill back to the Senate, with the following amendment, and recommended its passage:

Strike out of the 1st section she word "neither" in the 6th line from the bottom, and all that follows it of said section. On

motion of Mr. Miller the bill and report was taken up; rule suspended, amendment adopted, and bill passed to a third reading.

On motion of Mr. Guinn, rule further suspended bill read third time and passed.

On motion of Mr. Hyde, the Senate adjourned til 3 o'clock, P. M.

---

3 o'CLOCK, P. M.

Senate met—roll called—no quorum.

On motion, the Senate adjourned until 10 o'clock, A. M. Monday.

---

MONDAY, March 25th, 1861, 10 o'clock. A. M.

Senate met pursuant to adjournment. The President pro tem being absent. On motion of Mr. Whaley, Mr. Guinn was called to the chair. Prayer by the Chaplain—roll called—quorum present.

The Journal of Saturday was read and adopted.

Mr. Walker presented the petition of Mrs. Sarah H. Cockrill. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Herbert, Chairman of the Committee on Roads, Bridges and Ferries, to whom was referred the petition of sundry citizens of Titus county, asking the grant of a charter to Anderson Fitzgerald and William Cooper to build a dam across the Sulphur Fork of Red River, reported the same to the Senate, and recommended its rejection; because said stream is a navigable river.

Mr. Herbert, Chairman of the Committee on Roads, Bridges and Ferries, to whom was referred a bill supplemental to, and amendatory of, an act to incorporate the Dallas Bridge Company, approved February 9th, 1860, reported the same to the Senate, and recommended its passage.

On motion of Mr. Walker, the report and bill were taken up, rule suspended, bill read, and ordered to be engrossed; rule further suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath, Fall, Guinn, Harmon, Hyde, Lott, Martin, Miller, Neal, Parsons, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Walker and Whaley—24.

NAYS—None.

Mr. Lott introduced a bill to incorporate the Texas Baptist University. Read first and second times and referred to the committee on Education.

Mr. Throckmorton introduced a bill for the relief of Nathan Davis. Read first and second times and referred to the committee on Private Land Claims.

Mr. Lott introduced a bill authorizing the election of a District Attorney for the county of Smith. Read first and second times and referred to the committee on the Judiciary.

Mr. Potter introduced a bill in relation to the school fund derivable from taxation under the provisions of the second section of the 10th article of the Constitution of the State. Read first and second times and referred to the committee on Finance.

A bill to amend the 12th section of an act concerning proceedings in the District court, approved March 16th, 1848, being the special order was taken up, and on motion of Mr. Miller laid on the table.

On motion of Mr. Duggan, the Senate adjourned till 10 o'clock, A. M., to-morrow.

---

TUESDAY, March 26<sup>th</sup> 1861.

Senate met pursuant to adjournment.

The President pro tem being absent, on motion of Mr. Potter, Mr. Quinn was called to the chair. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Blanch presented the petition of —— Everett. Referred to the committee on Claims and Accounts.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a House bill to prohibit the emancipation of slaves reported the same to the Senate and recommended its rejection, the Convention of the people having by amendment of the Constitution accomplished the object intended by the bill. The committee therefore recommend that the bill do not pass.

Mr. Quinn, chairman of the committee on Claims and Accounts, to whom was referred a bill providing for the settlement of claims of minute men who served under Capt. John Williams of San Saba county during the years 1858 and 1859, reported the same to the Senate with a substitute for the bill, and recommended the adoption of the substitute and the passage of the bill.

Mr. Miller offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of so amending the laws as to provide the service of all citizens and process in civil cases by leaving copies at the residence of the defendant a specified time (say ten days) before return day. Lost.

A message was received from the House informing the Senate, that the House concurred in the resolution of the Senate appointing a Joint committee for the purpose of examining into the propriety of reducing the expenditures of the State Government, and had appointed Messrs. Redwine, Foscue, Davis, Perry and Cocke, a committee on the part of the House.

Mr. Blanch introduced a bill supplemental to an act making an appropriation to defray the expenses of the Convention, passed 23rd March, A. D. 1861. Bill read first and second times.

Mr. Erath moved to strike out 2nd section.

No quorum voting a division was called, whereupon it was ascertained that there was a quorum present. Several Senators who had been members of the Convention being excused from voting.

The vote on the division was 10 to 10, being a tie the amendment was lost.

Mr. Quinan moved to strike out the first section.

Mr. Shepard moved to refer the whole subject to the Judiciary committee. Lost.

The question recurring on Mr. Quinan's motion, was lost.

The question being upon the engrossment of the bill it was ordered to be engrossed by the following vote:

YEAS—Messrs. Blanch, Chambers, Duggan, Dulaney, Gentry, Quinn, Herbert, Hyde, Martin, Neal, Parsons, Scarborough, Schleicher, Shepard and Whaley—15.

NAYS—Messrs. Erath, Harmon, Lott, Miller, Potter, Quinan, Rains, and Walker—8.

On motion of Mr. Blanch, the rule was further suspended, bill read third time and passed.

Mr. Quinan, chairman of the committee on Education made the following report:

The committee on Education, to whom was referred the bill to incorporate the Texas Baptist University, have had the same under consideration and instruct me to report the same to the Senate and recommend its passage with the following amendment:

Strike out "University" where ever it occurs and insert "College."

On motion of Mr. Lott, the report and bill were taken up; rule

suspended; amendment adopted and bill read and ordered to be engrossed; rule further suspended bill read third time and passed by the following vote :

**YEAS**—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath, Fall, Gentry, Quinn, Harmon, Herbert, Hyde, Lott, Martin, Miller, Neal, Parsons, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Walker and Whaley—26.

**NAYS**—None.

The committee on Education, to whom was referred the bill to incorporate the Sherman Odd Fellows Female Institute, have had the same under consideration and direct me to report the same with this amendment :

Substitute for the 12th section, the following :

“Sec. 12. This act shall take effect from and after its passage, and continue in force for twenty-five years.” Strike out in every section except the first the words “be it further enacted.”

On motion of Mr. Throckmorton the report and bill was taken up, the amendment adopted. Bill read and ordered to be engrossed; rule further suspended; bill read third time and passed by following vote :

**YEAS**—Messrs. Blanch, Chambers, Duggan, Dulany, Erath, Fall, Gentry, Quinn, Harmon, Herbert, Lott, Martin, Miller, Neal, Parsons, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Walker and Whaley—25.

**NAYS**—None.

Mr. Schleicher introduced a bill legalizing the Colony certificate of Jacob Laux. Read first time.

On motion of Mr. Schleicher, rule suspended; read second time and ordered to be engrossed; Rule further suspended, read third time and passed.

Mr. Lott offered the following resolution :

*Resolved*, That the committee on Printing be requested to contract with the publisher of the Gazette, for twenty copies weekly for the use of each member of the Senate.

Mr. Throckmorton offered the following as a substitute:

*Resolved*, That the committee on Printing contract for ten copies each of the two newspapers published in Austin for each member of the Senate, and that the papers taken for the use of the Senate, have the General Laws of the past called session and of the present session of Legislature published. Also the ordinances of the Convention.

Mr. Martin moved to lay on the table. Lost.

Mr. Gentry moved to amend by striking out "ten" and inserting "fifty." Lost.

The question was then taken on the adoption of the substitute and the yeas and nays stood thus :

YEAS—Messrs, Blanch, Chambers, Dulaney, Fall, Harmon, Hyde, Lott, Neal, Quinan, Rains, Schleicher, Throckmorton and Walker—13.

NAYS—Messrs. Duggan, Eruth, Gentry, Quinn, Herbert, Martin, Miller, Parsons, Potter, Scarborough, Shepard, Stockdale and Whaley—13.

There being a tie, the question was lost.

Mr. Gentry, then moved to amend the resolution by stiking out "twenty" and inserting "fifty." Lost.

Mr. Gentry, then moved to strike out "twenty" and insert "two." Carried.

On motion of Mr. Blanch, the resolution was laid on the table.

Mr. Erath offered the following resolution :

*Resolved*, That the committee on Apportionment prepare and report a bill to apportion the State for Representation in the Congress of the Confederate States. Adopted.

Mr. Harmon introducing a bill to prevent patents from being issued until the patent fees and all land dues are paid. Read first and second times and referred to the committee on Land Office.

Mr. Throckmorton introduced a bill to incorporate the McKinney and East Fork Bridge Company. Read first and second times and referred to the committee on Roads Bridges and Ferries.

Mr. Stockdale introduced a bill to create the 21st Judicial District. Read first and second times and referred to committee on Judiciary.

Also a bill concerning contested elections of District Judges. Read first and second times and referred to committee on Judiciary.

Mr. Quinan introduced the following resolution :

*Resolved*, That the Comptroller be required to furnish the Senate, a statement of the condition of the Treasury, showing the amount and nature of the public debt; what deficit will be in the Treasury at the end of the fiscal year; what amount has been paid and is still due on the appropriations for frontier defence; what amount of Treasury warrants are issued, and how much funded; what the probable amount of the direct taxes for the years 1861 and 1862, and estimates of the sums necessary to be

raised with such other information and suggestions in relation to the revenue as he may think expedient. Adopted.

Mr. Gentry offered the following resolution:

*Resolved*, That the Secretary is hereby instructed to ascertain at what price he can procure for the use of the Senate, five thousand copies of the ordinances of the Convention and the Constitution of the Confederate States of America, to be printed in pamphlet form as ordered by the Convention. Adopted.

Mr. Herbert moved to reconsider the vote adopting the resolution offered by Mr. Erath, instructing the committee on apportionment to report a bill districting the State for Representation in the Congress of the Confederate States. Carried.

Mr. Herbert, then moved to amend by striking out "the committee on apportionment," and insert "a committee of nine be appointed." Carried.

The sesolutioa was then adopted.

Mr. Potter presented the petition of George W. Morris, which was referred to the committee on private Land Claims.

Mr. Schleicher presented the petition of sundry citizens of the county of Edwards, which was referred to the committee on County and County Boundaries.

The report of the committee on Roads Bridges and Ferries, on petition of sundry citizens of Titus county for a charter for building a bridge across Sulphur Fork of Red River, recommending its rejection was adopted.

The report of the majority of the Judiciary committee, recommending the rejection of the bill supplementary to an act concerning executions, was adopted.

Mr. Scarborough moved to reconsider the vote, whereupon Mr. Parsons moved to make the motion to reconsider the special order for 11 o'clock, A. M. on Saturday next. Carried.

On motion the Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, March 27th, 1861.

Senate met pursuant to adjournment. Mr. Guinn in the chair. Prayer by the Chaplin—roll called—quorum present. The journal of yesterday read and adopted.

Mr. Duggan, from the committee on Claims and Accounts, to whom was referred a bill making an appropriation to pay John Marshall for certain services, reported the same to the Senate and recommended its passage.

Mr. Miller, chairman of the committee on Finance, to whom was referred a bill in relation to the School Fund derivable from taxation, under the provisions of the second section of the tenth article of the Constitution of the State, reported the same to the Senate and recommended its passage.

Mr. Harmon, from the committee on the Land Office, to whom was referred the bill to attach the unorganized counties of Wichita, Wilbarger, Hardeman and Greer to the county of Clay, so as to form one land district, reported the same to the Senate with the following amendment and recommended its passage:

Amend caption and first section, by striking out the words: "unorganized counties, Wilbarger, Hardeman and Greer," and insert, "county," before "of Wichita."

Also, amend, by adding section second.

Mr. Parsons introduced a bill to refund to S. P. Hollingsworth, money advanced by him for the State of Texas, and for services rendered. Read first time.

On motion of Mr. Parsons, rule suspended, bill read second time.

Mr. Potter moved to amend the bill by adding the name of Capt. John G. Todd. Adopted.

On motion of Mr. Quinan, the bill was referred to the committee on Finance.

Mr. Throckmorton presented the memorial of G. W. Glasscock, for relief. Referred to the committee on the Judiciary.

Mr. Chambers offered the following resolution:

*Resolved*, That the committee on Public Lands, be requested to take into consideration, the propriety of placing in market the alternate sections of land, reserved by the State out of the lands surveyed by the different railroad companies, chartered by this State, and to report by bill or otherwise. Adopted.

A bill to provide for the settlement of the claims of the company commanded by Capt. John Williams, who served upon the frontier, in the years 1858 and 1859, and to make an appropriation to pay the same. Read second time.

On motion of Mr. Throckmorton, the blank was filled with "sixteen thousand nine hundred and seventeen."

The bill was then ordered to be engrossed.

Rule suspended, bill read third time and passed.

A bill to prohibit the emancipation of slaves, with the report of the committee thereon, recommending its rejection was taken up, and the report adopted.

The chair announced Messrs. Erath, Harman, Quinan, Blanch, Scarborough, Miller, Shepard, Pitts and Duggan the commit-

tee upon apportionment, as contemplated by the adoption of the resolution of Mr. Erath, to apportion the State for representation in the Congress of the Confederate States.

A bill in relation to the School Fund derivable from taxation under the provisions of the second section of the tenth article of Constitution of the State. Read second time.

The question being on its engrossment.

On motion the Senate adjourned, until 10 o'clock, A. M., to-morrow.

---

THURSDAY, March 28th, 1861.

Senate met pursuant to adjournment. Mr. Quinn in the chair. Prayer by the Chaplain—roll called—quorum present. The journal of yesterday was read and adopted.

Mr. Duggan, chairman of committee on County and County Boundaries, to whom was referred the petition of sundry citizens of the county of Edwards, reported the accompanying bill and recommended its passage.

A bill to attach the county of Edwards to the county of Uvalde, for Judicial and other purposes, until organized. Read first time.

Mr. Potter, chairman of the committee on the Judiciary made the following reports:

The Judiciary committee, have considered a bill to authorize and require all forced sales of real estate and negroes, and sales of real estate, or negroes, made by executors and administrators in the county of Nueces, to be made at the front door of the La Retama House in the city of Corpus Christi, and direct me to return the same to the Senate, with a substitute therefor, and recommend the adoption of the substitute, and the passage of the bill.

The Judiciary committee have considered a bill to amend an act authorizing and requiring the county courts to regulate roads, &c., a majority of the committee being of the opinion that the proposed legislation is unnecessary, direct me to return the bill to the Senate and recommend that it do not pass.

The Judiciary committee, direct me to return to the Senate, the memorial of Geo W. Glasscock, in relation to a claim on his part, against the State, connected with his contract for the construction of the Lunatic Asylum. The memorial relates strictly to private business, and under the rule of the Senate, is not entitled to be considered at this time.

The committee therefore, ask to be discharged from the consideration of the memorial and recommend that it be laid on the table.

The Judiciary committee have considered a bill to define the homestead, not in a town or city.

The 22nd section of the seventh article of the constitution of the State, defines what shall constitute a homestead, not in a town or city, and the committee can not see any good object to be attained at this time by legislation on the subject. I am therefore, directed to return the bill to the Senate, and recommend that it do not pass.

The Judiciary committee have considered a House bill, prescribing police regulations in respect to slaves, and a majority of the committee being of the opinion, that the present law on the subject is sufficient and probably more efficient than that proposed by the bill, I am directed to return the bill to the Senate and recommend that it do not pass.

The Judiciary committee have considered the petition of John R. Hamilton and wife, and direct me to report, that since the action of the Convention of the people, in providing, by organic act, that the words, "United States," or "United States of America," shall be considered as stricken out whenever they occur in the statutes of the State, and the words: "Confederate States of America," inserted in the place thereof. Such legislation as is prayed for in the petition, is unnecessary. I am therefore directed to return the petition to the Senate, and ask to be discharged from its further consideration, and that the same be laid upon the table.

Mr. Erath, from the committee on Land Office, made the following report :

The committee on Land Office, have considered a bill providing that no patent for land shall issue, until the dues and patent fees shall be paid, and have instructed me to report a substitute and recommend its passage.

#### ORDERS OF THE DAY.

The report of the committee on Land Office, on a bill to attach the unorganized counties of Wichita, Wilbarger, Hardeman and Greer, to the county of Clay, so as to form one Land District, recommending amendments, was adopted, and bill passed to a third reading.

Mr. Walker offered the following resolution :

*Resolved* by the Senate, the House concurring, that a joint committee of three on the part of Senate, and five on the part of the House, be appointed to enquire into the manner of con-

ducting the affairs and the expenditures of the following officers and institutions connected with the State government: The Land Office, Comptroller's Treasurer's and office of the Court of Claims. The Deaf and Dumb, Blind, and Lunatic Asylums.

*Resolved*, That said committee have power and authority, to send for persons and papers, and to do any other necessary thing to aid them in a full investigation, and that they report by bill or otherwise. Read, and referred to the committee raised to enquire into the expediency of reducing expenditures of the State government.

- A bill to be entitled an act making an appropriation to pay John Marshall for certain services. Read and passed to a third reading.

Rule suspended, read third time and passed.

Mr. Quinn introduced a bill for the relief of Messrs. Sampson & Henricks, assignees of W. R. S. Rondeau. Read first and second times and referred to the committee on Claims and Accounts.

A bill in relation to the School Fund, derivable from taxation under the provisions of the second section of the tenth article of the constitution of the State. Read and ordered to be engrossed.

Mr. Walker introduced a bill granting pre-emption privileges on the reservation lands belonging to the State of Texas, to certain persons therein named. Read first and second times and referred to the committee on Public Lands.

The Chair announced a communication from the Secretary of the late Convention, which was read and referred to the committee on State Affairs.

A message was received from the House, announcing the passage of the following bills, which were severally taken up and acted upon by the Senate, as follows:

Senate bill, supplemental to an act making an appropriation to defray the expenses of the Convention, passed 23rd March, 1861, with an amendment, in which the Senate refused to concur.

Senate bill to amend the first section of an act to amend the fourth section of the act of May 12, 1846, regulating the licence and practice of attorneys, &c.

Senate bill further regulating proceedings in the District Court.

House bill granting a pension to Cynthia Ann Parker. Read first and second times and referred to committee on Finance.

House bill donating land to Cynthia Ann Parker, and to her

daughter To-Kusan Parker. Read first and second times and referred to committee on Finance.

House bill to fix the time of holding the District Court in the seventh Judicial District. Read first and second times and referred to committee on the Judiciary.

House bill to amend the second section of an act to reorganize the 15th Judicial District, and regulate the time of holding courts therein. Read first and second times and referred to committee on Judiciary.

House bill to authorize the County Court of Anderson county to levy and collect a special tax for county purposes. Read first and second times and referred to the committee on the Militia.

Mr. Erath introduced the following resolution, which was unanimously adopted :

*Resolved*, That the Senate has heard with the deepest regret of the recent death of Capt. Thomas Plaster, late door-keeper of the House, one of the soldiers of San Jacinto, an honest man and a true patriot. This body tenders to his bereaved family, its sincere sympathy for their loss.

In token of respect the Senate will now adjourn until to-morrow morning half-past 9 o'clock.

---

FRIDAY, March 29th, 1861.

Senate met pursuant to adjournment—Mr. Quinn in the Chair—prayer by the Chaplain—roll called—quorum present.

Mr. Walker, chairman of the committee on Public Lands, made the following report :

The Public Land committee have considered the resolution requesting them to take into consideration the propriety of placing in market the alternate sections of land reserved by the State, out of the lands surveyed by the different railroad companies chartered by the State, and to report by bill or otherwise.

The committee have instructed me to report that said lands already being in market by virtue of an act of the Legislature, approved February 1st 1860, any further legislation on the point, and for that purpose is wholly unnecessary.

The Public Land committee have considered the memorial of Allen Erguhart and Albert Johnson, praying the passage of a special law allowing them the exclusive privilege for a period of time, in which to purchase certain alternate sections of land,

&c., and have instructed me to report to the Senate that the legislation asked for is not proper and should not be had.

Mr. Potter, chairman of the Judiciary committee, made the following reports:

The Judiciary committee have considered a House bill to fix the time for holding the District Court in the seventh Judicial District, and direct me to return the same to the Senate, and recommend its passage.

The Judiciary committee have considered a House bill to amend the second section of an act to reorganize the fifteenth Judicial District, and to regulate the time of holding courts therein, and direct me to return the same to the Senate and recommend its passage.

Mr. Martin, chairman of the committee on Stock and Stock-raising, to whom was referred several bills to amend the act supplemental to an act to regulate estrays, approved February 5th 1861, reported a substitute and recommended its passage.

Mr. Miller, chairman of the committee on Finance, to whom was referred a bill to refund to S. P. Hollingsworth, money advanced by him for the State of Texas, and for services rendered, reported a substitute for the bill, and recommended its adoption.

On motion of Mr. Parsons, the report and bill was taken up. Read second time, and

Mr. Quinan moved to strike out all of the bill which relates to payment in the same manner as members of the Convention. Lost.

The rule was suspended and bill passed to a third reading.

Read third time and passed by the following vote:

YEAS—Messrs. Blanch, Duggan, Quinn, Herbert, Lott, Martin, Miller, Parsons, Pitts, Quinan, Scarborough, Shepard and Whaley—13.

NAYS.—Messrs Chambers, Erath, Fall, Harmon, Hyde, Neal, Potter, Rains and Throckmorton—9.

Mr. Blanch introduced a bill to enable J. H. Saunders, the guardian of Webster J. Saunders, to remove the property of the ward, from the State of Texas. Read first and second times and referred to the committee on the Judiciary.

Mr. Parsons introduced a bill to modify the provisions of an act of 30th January, 1854, granting land to railroads. Read first and second times, and referred to the Judiciary Committee.

Mr. Harmon introduced a bill to define the boundaries of Hopkins county. Read first and secord times and referred to the committee on County Boundaries.

Mr. Stockdale of the Committee on the Judiciary, to whom was referred a bill concerning contested elections, reported the same back to the Senate with a substitute, and recommended the adoption of the substitute and the passage of the bill.

On motion of Mr. Stockdale, the report and bill was taken up.

Rule suspended, bill read and ordered to be engrossed.

Rule further suspended, read third time and passed.

The report of the Judiciary committee on the memorial of George W. Glascock, asking to be discharged from the consideration thereof, was taken up and adopted.

The report of the Judiciary committee on a bill to amend an act authorizing and requiring the county courts to regulate roads &c., recommending that the bill do not pass, was taken up and adopted.

The report of the Judiciary committee on a bill to define the homestead not in a town or a city, recommending that the bill do not pass, was taken up and adopted.

The report of the judiciary committee on a bill to authorize and require all forced sales of real estate and negroes, and sales of real estate or negroes made by executors and administrators in the county of Nueces, to be made at the front door of the La Retama House in the city of Corpus Christi, recommending a substitute therefor, was taken up, substitute adopted and dered to be engrossed.

Rule further suspended, bill read third time and passed.

A bill to attach the unorganized counties of Wichita, Wilbarger, Hardeman and Greer, to the county of Clay, so as to form one land district. Read third time and passed.

A bill in relation to the School Fund derivable from taxation, under the provisions of the second section of the tenth article of the Constitution of the State, being on third reading, Mr. Shepard moved to make it special order for Monday, 3 o'clock, P. M. Lost.

Bill read third time and passed.

Mr. Stockdale, Chairman of the committee on Enrolled Bills, reported a bill supplemental to an act, making an appropriation to defray the expenses of the Convention, passed 23rd March, 1861, and

A bill granting a pension to William H. Anderson, correctly enrolled, properly signed, and this day presented to the Governor.

The report of the Judiciary committee on a bill prescribing police regulations in respect to slaves, recommending that the bill do not pass, was taken up.

Mr. Lott moved to lay the report on the table. Lost.

The report was then adopted by the following vote:

YEAS—Messrs. Duggan, Erath, Fall, Harmon, Herbert, Martin, Miller, Neal, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Throckmorton and Whaley—16.

NAYS—Messrs. Chambers, Guinn, Lott, Parsons, Pitts, and Walker—6.

The report of the Judiciary committee, on the petition of John R. Hamilton and wife, asking to be discharged from the consideration thereof, was taken up and report adopted.

A bill to attach the county of Edwards to the county of Uvalde, for Judicial and other purposes, until organized. Read and ordered to be engrossed.

Rule suspended, bill read third time and passed.

Mr. Schleicher introduced a bill to amend an act to authorize the Commissioner of the General Land Office to issue patents upon surveys heretofore made, not in the form required by law, approved January 17th, 1860. Read first and second times, and referred to the committee on Public Lands.

On motion of Mr. Martin, the report of the committee on Stock and Stock Raising, recommending a substitute, was taken up.

Rule suspended, bill read and ordered to be engrossed.

Mr. Miller moved to amend by adding the following:

*Provided*, That Houston county be, and is hereby excepted from the provisions of this act, and said supplemental act, and that the original act regulating estrays be and remain of force in said county as before the first meeting of this extra session of the Legislature.

On motion of Mr. Martin, the amendment was laid on the table.

Rule further suspended, bill read third time and passed.

The report of the committee on Land Office, on a bill providing that no patent for land shall issue until the dues and patent fees shall be paid, recommending a substitute therefor, was taken up, bill read second time and ordered to be engrossed.

On motion of Mr. Throckmorton, Messrs. Whaley and Walker were added to the committee on Reduction of Expenditures of State Government.

The President announced the receipt of a communication from the Comptroller, which is as follows:

COMPTROLLER'S OFFICE, }  
Austin, March 28, 1861. }

To THE PRESIDENT OF THE SENATE:

*Sir* :—In accordance with a resolution passed on the 26th

inst., calling on this Office for certain information, I herewith submit a copy of a communication submitted to Gov. Clark, on the 21st inst., which it is thought will furnish the information desired :

The amount of ten per cent. treasury warrants issued to date, is \$194,125 65, of which sum there has been paid into the Treasury, on account of various state dues, the sum of \$3,901-57, leaving the sum of \$190,224 08 still standing. There is still due upon the pay rolls on file in this office, the sum of \$35,160 94. The estimated expense of the minute companies called into the service last spring by Governor Houston, is \$40,000 00. And other outstanding and unaudited military claims accruing prior to the 2nd inst—exclusive of the six companies under the command of Col. Dalrymple ; may be estimated at a like sum, but in respect to the latter, this Office is without data to form a correct estimate. The above is also exclusive of forces called out by the Convention. By reference to an accompanying table, it will be apparent that by the creation of a two per cent. Sinking Fund for the redemption of the bonds and investing the same at eight per cent. per annum, the entire loan would be liquidated in less than twenty-one years.

The communication was referred to the committee on Finance.

Mr. Schleicher presented to the Chair, a communication from the Hon. I. A. Paschal, which is as follows :

AUSTIN, March 29th, 1861.

TO THE HON. PRESIDENT OF THE SENATE :

*Sir :—Allow me through you, to tender to the Honourable Senate, my resignation as Senator of Bexar county, proper. The resignation to take effect on this day.*

Very respectfully,

I. A. PASCHAL.

The Secretary was instructed to transmit the same to the Executive Office.

On motion of Mr. Miller, the Senate adjourned till 10 o'clock to-morrow.

SATURDAY, March 30, 1861.

Senate met pursuant to adjournment. Mr. Guinn in the Chair. Prayer by the Chaplain. Roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Duggan, from the committee on Claims and Accounts, made the following report:

Your committee on Claims and Accounts, to whom was referred the memorial of G. W. Morris, have examined the same, and find that the said Morris was one of the Santa Fe prisoners, and that after his release he did not return to Texas until the year 1859, and that upon his application for his pay as a member of said expedition, he ascertained that his pay had been drawn by another person under a forged power of attorney and false affidavit. A majority of the committee have therefore instructed me to report the accompanying bill and recommend its passage.

A bill for the relief of George W. Morris. Read first time.

Mr. Duggan, from the committee on Claims and Accounts, made the following report:

Your committee on Claims and Accounts, to which was referred a bill for the relief of Sampson & Henricks, assignees of W. R. S. Rondeau, have examined the same, and a majority of the committee have instructed me to report that from the testimony before the committee, they are satisfied that the said Rondeau performed for the State the services charged, but from the second section of the general provisions of the Constitution, your committee cannot grant the relief asked. As they find no pre-existing law authorizing the performance of the services rendered.

On motion of Mr. Quinan, the report and the bill were laid on the table.

Mr. Miller, from the committee on Finance, made the following report:

The committee on Finance, have considered the claim of William Rice, for express duty in 1838, and instruct me to report it back and recommend its rejection. The claim is unsupported by evidence, and if it was not wanting in this essential, should have long since been settled in the Court of the Commissioner of Claims.

Mr. Duggan, Chairman of the committee on County and County Boundaries, to whom was referred a bill to define the boundaries of Hopkins county, reported the same to the Senate and recommended its passage.

Mr. Walker, Chairman of the committee on Public Lands, made the following report:

The Public Land committee have considered the bill granting land on which to erect buildings for divine worship, and also the memorial of Wm. B. McHenry and other citizens of the county of Houston, praying for the passage of said bill, and a majority of the committee have instructed me to report the bill and petition of the parties to the Senate, and to recommend that

the bill do not pass, because the petitioners can obtain the ten acres of land asked for at one dollar per acre—the State price for like public domain at present.

Mr. Walker offered the following resolution:

*Resolved by the Legislature of the State of Texas:* That whereas the nineteenth section of article first of the Constitution of the State, expressly declares that the citizens have the right in a peaceable manner to assemble together for their common good, and to apply to those invested with the power of Government for redress of grievances by petition, address or remonstrance.

*Therefore be it resolved,* That the resolutions heretofore passed by the Senate and House of Representatives at the present session, providing that no private business should be transacted during the present session, be, and the same is hereby repealed. Read first time.

Mr. Stockdale offered the following resolution:

WHEREAS, the Convention ordered the printing of 800 copies of the Constitution of the Confederate States of America, and appointed a committee to superintend the same, therefore

*Resolved,* That an equal number of copies of the Constitution of this State, as amended, together with the Ordinances of the Convention, be printed by order of the Senate, to accompany the Constitution of the Confederate States, provided the committee of the Convention assent to this arrangement. Adopted.

Mr. Erath introduced a bill to define the line of Bell and Milam counties. Read first and second times and referred to the committee on County Boundaries.

Mr. Potter introduced a bill to incorporate the Galveston and Houston Junction Railroad Company. Read first and second time, and referred to the committee on Internal Improvements.

Mr. Duggan introduced a bill supplemental to the several acts organizing the State Government. Read first and second times and referred to the committee on State Affairs.

The report of the committee on Public Lands, upon a resolution requiring them to take into consideration the propriety of placing in market the alternate sections of land reserved by the State, out of the lands surveyed by the different Railroad Companies charted by the State, reporting that further Legislation on that subject was unnecessary. Read and adopted.

The report of the committee on Public Lands, upon the memorial of Allen Uguhart and Albert Johnson, asking the privilege of buying certain alternate sections of land, reporting that such Legislation is not proper. Read and adopted.

A bill to authorize and require the Commissioner of the General Land Office, to patent surveys out of their regular order. Read third time and passed.

A bill to amend the second section of an act to reorganize the 15th Judicial District and regulating the time of holding the District Courts therein. Read and passed to a third reading. Rule suspended, read third time and passed.

A bill to fix the time for holding the District Courts in the 7th Judicial District. Read and passed to a third reading. Rule suspended, read third time and passed.

Mr. Quinnan introduced a bill requiring the board of auditors of debts incurred by authority of the Convention, to audit the claim of Hiram B. Waller. Read first and second times and referred to the Committee on Finance.

A message was received from the House, informing the Senate, that the House had passed the following bills, which were acted on by the Senate, as follows:

Joint resolution concerning the records &c., of the District Courts of the late United States. Read first and second times and referred to the committee on the Judiciary.

A bill to amend section seventy-one and ninety-two, of an act to regulate proceeding in the District Courts. Read first and second times and referred to the committee on the Judiciary.

A bill prescribing the duties and obligations in certain cases of Commission Merchants, Factors and others. Read first and second times and referred to the committee on State Affairs.

Mr. Stockdale, Chairman of the committee Eurolled Bills, reported the following bills:

A bill making an appropriation to pay John Marshall, for certain services.

A bill further regulating proceedings in the District Court.

A bill to amend the first section of an act to amend the fourth section of the act of May 12, 1846, entitled an act to regulate the license and practice of attorneys and counsellors at law, and to amend the second section of the act of Feb. 11, 1854, entitled an act to amend the ninth, tenth and eleventh sections of an act to regulate the license and practice of attorneys and counsellors at law, approved Jan. 24, 1850, correctly enrolled, properly signed, and this day presented to the Governor.

The motion to reconsider the vote adopting the report of the Judiciary committee, which reconsidered the rejection of the bill supplementary to an act concerning executions being the special order was announced.

Whereupon on motion the Senate adjourned until 10 o'clock, A. M. on Monday.

MONDAY, April 1, 1861.

Senate met pursuant to adjournment. Mr. Guinn in the Chair.—Prayer by the Chaplin—roll called; quorum present. The journal of Saturday was read and adopted.

The President announced the receipt of a communication from the Hon. Jesse Grimes, which is as follows:

CITY OF AUSTIN, April 1, 1861.

*To the Hon. Senate:*

Gentlemen—At the commencement of the regular session, in 1859, you did me the honor to elect me President *pro tem.* of your honorable body, which office I held,—there being but little duty to perform,—until the commencement of the present session, when circumstances required of me to perform the duties of the office which I undertook for a short time, until I was taken sick, when you had to select another to perform the duties of the office.

Now, being weakened by disease, and my hearing still further impaired, I tender you the resignation of my office., and ask that you elect another, believing, as I do, that he who performs the duties, should also receive the honors of the office.

Receive the assurance of my highest respect, and my sincere thanks for the office you kindly bestowed on me.

JESSE GRIMES.

On motion of Mr. Lott, the Senate proceeded to the election of President *pro tem.*

Mr. Herbert nominated Mr. Guinn.

On motion of Mr. Lott, Mr. Guinn was declared elected, by acclamation, President *pro tem.* of the Senate.

Mr. Duggan, chairman of the committee on Counties and County Boundaries, to whom was referred a bill to define the lines of Bell and Milam counties, reported the same to the Senate and recommended its passage.

Mr. Miller, chairman of the committee on Finance, to whom was referred a bill requiring the Board of Auditors of Debts incurred by the authority of the Convention, to audit the claim of Hiram B. Waller, and recommended the adoption of the accompanying substitute.

Mr. Neal, chairman of the committee on Militia, to whom was referred a bill to authorize the County Court of Anderson county to levy and collect a special tax for certain purposes, reported the same without amendment, and recommend its passage.

Mr. Potter, chairman of the committee on the Judiciary, made the following reports:

The Judiciary committee have considered a bill to enable J. H. Saunders, the guardian of Webster T. Saunders, to remove the property of his ward from the State of Texes, and a majority of the committee direct me to return the same to the Senate, and recommend its passage.

The Judiciary committee have considered a House joint resolution, concerning the records, etc., of the District Court of the late United States, and a majority of the committee direct me to report that the proposed legislation is unnecessary, and recommend that the resolution do not pass.

Mr. Throckmorton, from the committee on Finance, to whom was referred a bill to provide for the sale of reserved lands heretofore used for Indian purposes, reported the same to the Senate and recommended its passage, with the following amendments: Substitute, for sections 3 and 10, the following:

"Section 3. That the agent appointed by the Governor shall advertise the sale of said lands for sixty days prior to the time of sale, in the three newspapers published nearest to the county of Young. The sale to take place on the land, and in lots of one hundred and sixty acres; and no tract of a less size to be sold unless the same be a fractional quarter section; and every alternate section, of six hundred and forty acres, only, to be sold at the first sale, the remaining lands to be sold at such subsequent time as the Governor may deem advisable; and no tract shall be sold for less than one dollar and fifty cents per acre.

"Section 10. That outstanding treasury warrants, issued by the State, shall be receivable, the same as gold or silver, in payment for said lands."

Mr. Herbert introduced a bill to incorporate Lodge No. 51, I. O. O. F. Read first and second times, and referred to the committee on the Judiciary.

Mr. Harmon introduced a bill to amend the ninth section of an act concerning Common Schools, approved February 3, 1858. Read first and second times, and referred to the committee on Education.

Mr. Potter introduced a bill repealing an ordinance of the late Convention of the People of the State of Texas, in relation to Custom House Officers and Customs' Revenue, adopted March 8, 1861. Read first and second times, and referred to the committee on the Judiciary.

A message was received from the House, informing the Senate that the House had passed a Senate bill to provide for the settlement of the claims of the company commanded by Captain Jno. Williams, etc.

Requesting the return of a bill to amend sections 71 and 92 of the act organizing district courts, as the House had reconsidered the same.

Mr. Potter introduced a bill providing means for payment of certain debts created by authority of the late Convention of the People of the State of Texas. Read first and second times, and referred to the committee on Finance.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported the following bills:

A bill to provide for the payment of the claims of the company commanded by Captain John Williams in the years 1858 and 1859, and to make an appropriation to pay the same.

A bill to fix the time of holding the District Courts in the Seventh Judicial District.

A bill to amend the second section of an act to reorganize the Fifteenth Judicial District, and regulate the time of holding courts therein, correctly enrolled, properly signed, and this day presented to the Governor.

Mr. Lott presented the memorial of Pryor Lea concerning Extradition. Read first and second times, and referred to the committee on the Judiciary.

Mr. Erath introduced a bill to supply deficiencies in former appropriations for Frontier Protection, and to provide for future expenses. Read first and second times, and referred to Finance committee.

On motion of Mr. Duggan, Mr. Herbert was added to the committee on Apportionment.

The motion to reconsider the vote adopting the report of the Judiciary committee, recommending the rejection of the bill supplementary to an act concerning executions, upon which the Senate adjourned on Saturday, being in order,

On motion, the Senate adjourned until ten o'clock, A. M. tomorrow.

TUESDAY, April 2nd, 1861.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Shepard, Chairman of the committee on State Affairs, to whom was referred a bill supplemental to the several acts organizing the state government, reported the same back to the Senate and recommended its indefinite postponement.

Mr. Miller, chairman of the committee on Finance, made the following reports :

The committee on Finance have considered a bill granting a pension to Cynthia Ann Parker, and instruct me to report the same back to the Senate and recommend its passage with the following amendments :

Strike out of the first section all that occurs after the words "a pension of" and insert the words "one hundred dollars per annum for five years, commencing first day of January, 1861, to be paid quarterly as hereafter specified," and the sum of one hundred dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay said pension, the first year ending 1st January, 1862.

The Finance committee to whom was referred a bill donating land to Cynthia Ann Parker and her daughter To-Kusan Parker, have considered the same and instruct me to report the same back to the Senate and recommend the adoption of the accompanying substitute :

The Finance committee have considered a bill to supply deficiencies in former appropriations for frontier protection, and to provide for future expenses, and instruct me to report the same back to the Senate, and recommend its passage with the following amendments, to-wit :

After the words "be it enacted," insert the words "by the Legislature of the State of the State of Texas.

Mr. Shepard, chairman of the committee on State Affairs, to whom was referred a resolution of the Convention, recommending the passage of extradition laws by the Legislature, reported the same to the Senate, recommending that the same be referred to the committee on the Judiciary, as a bill is already before that committee for consideration, embracing the same subject matter.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of Ware Benge, reported the same to the Senate and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of Nathan Davis, reported the same to the Senate, and recommended its passage.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a bill to incorporate Columbus Lodge No. 51, I. O. O. F., returned the same to the Senate, and recommended its passage.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred an act repealing an Ordinance of the late

Convention of the people of the State of Texas, in relation to Custom House officers and custom's revenue adopted March 8th, 1861, returned the same to the Senate, and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of Martin Jones, reported the same to the Senate, and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, made the following report :

The committee on Private Land Claims, to whom was referred an act for the relief of Thos. H. Duggan, have considered the same, and find the facts to be these, viz :

Said Duggan came to Texas in 1835, obtained an order of survey from an empressario, Geo. A. Nixon, for one league, as a head of a family. For reasons beyond his control, he did not bring his family until a short time after the law expired granting a league and labor. He received a certificate for 640 acres, and has an equitable claim for the remainder 3965 acres.

The committee instruct me to report the bill back with the facts for the consideration of the Senate, with the following amendment :

Strike out "3788" and insert "3965," in fifth and sixth lines, and add after the word "Duggan" in thirteenth line, " and one labor."

Mr. Potter of the committee on Finance, to whom was referred a bill providing means for the payment of certain debts created by authority of the late Convention of the people of the State of Texas, reported the same to the Senate, recommending amendments and the passage of the bill:

Amendments : In first section, fill blank with "ten" :

2nd. At the end of first section, add "*provided*, That in case the bonds of Texas Central Railroad Company shall be withdrawn from the Treasury for the purpose herein contemplated; the coupon bonds for interest connected therewith and which are now due or will become due during the period that said bonds are to be pledged or hypothecated, shall be retained in the Treasury, and when said railroad bonds are released from such pledge or hypothecation, the same shall be immediately replaced in the Treasury and there remain as a portion of the Special School Fund as heretofore.

A bill to define the line of Bell and Milam counties. Read and ordered to be engrossed.

Rule suspended, bill read third time and passed.

A bill to authorize the county court of Anderson county to  
S-10

levy and collect a special tax for certain purposes. Read and passed to a third reading.

Rule suspended, read third time and passed.

Mr. Potter introduced a joint resolution in relation to the revenue cutter "Dodge," and the officers thereof. Read first time.

Rule suspended, read second time and ordered to be engrossed.

Rule further suspended, read third time and passed.

Mr. Duggan introduced a joint resolution for co-operation with the Confederate States. Read first and second times and referred to the committee on State Affairs.

Mr. Dulaney introduced a joint resolution proposing amendments to the Constitution. Read first and second times and referred to the committee on the Judiciary.

Mr. Schleicher introduced a bill to pay Commissioners to ascertain losses by Indian depredations. Read first and second times and referred to the committee on Indian Affairs.

Mr. Pitts presented the petition of sundry citizens of Tyler, for the relief of the Sheriff. Read and referred to the committee on State Affairs.

Mr. Potter introduced a joint resolution in relation to the establishment of an Admiralty Court at Galveston. Read first time.

Rule suspended, read second time.

Mr. Stockdale offered the following amendment :

Insert after the word "court" in the fourth line of the first section the following :

"For the State of Texas" and at the end of that line, insert "and such other places on the coast as commerce requires" amend the caption accordingly, which were adopted and bill ordered to be engrossed.

Rule further suspended bill read third time and passed.

The question on the reconsideration of the vote which adopted the report of the committee recommending the rejection of the bill supplementary to an act concerning executions being in order, Mr. Martin moved to lay the motion to reconsider, on the table—upon which the yeas and nays were as follows :

YEAS—Messrs. Dulaney, Guinn, Herbert, Hyde, Martin, Potter, Stockdale, Throckmorton, and Whaley.—9

NAYS—Messrs. Blanch, Chambers, Duggan, Erath, Gentry, Grimes, Harmon, Lott, Miller, Neal, Parsons, Pitts, Rains, Scarborough, Shepard, and Walker.—17.

So the motion was lost.

Whereupon Mr. Throckmorton moved a call of the Senate, which was sustained.

Mr. Stockdale, from the committee on Internal Improvements, to which was referred a bill to incorporate the Galveston and Houston Junction Railroad Company, reported the same to the Senate and recommended its passage.

Mr. Gentry, from the committee on State Affairs, to whom was referred a House bill to encourage the establishment of Manufactories in the State of Texas, reported the same to the Senate and recommended its passage with the following amendments :

Amend the first section by striking out in 5th line, the words "silk and hempen."

Strike out in 8th line "lead copper and silver." In 8th and 9th lines, "or establishment for the manufacturing of salt."

Amend first section in 10th line, by inserting after the words "gunpowder" and "leather, and all manufactures from said leather, and manufactures of locomotive engines and railway cars, and for the refining of domestic sugar."

Strike out in 11th line, the word "ten" and insert "eight."

Amend section second by striking out the word "three" in 6th line, and insert "two," strike out "two" and insert "one."

Amend third section by striking out "five" and insert "two," and add the following section :

Section 4th. That no person or persons or corporation, shall be entitled to the benefits of this act on any manufacturing establishment in which a less amount of capital is invested than ten thousand dollars, on a greater sum than one hundred thousand dollars, or so much thereof as may be invested in a single manufactory, and

That this act take effect and be in force for the term of six years from and after its passage.

On motion of Mr. Throckmorton the Bill to supply deficiencies in former appropriations for frontier protection and to provide for future expenses, was taken up read and ordered to be engrossed; rule suspended, read 3d time and passed.

A message was received from the House announcing the passage of the following bills, which were severally acted on as follows :

A bill to provide for the payment of the current expenses of the Revenue Cutter "Dodge." Read first and second times and referred to the Committee on Finance.

A bill authorizing a loan imposing a specific tax to meet the principal and interest and specifying how the money shall be ap-

plied. Read first and second times and referred to a select committee of five, to-wit :

Messrs. Gentry, Stockdale, Throckmorton, Lott and Martin.

A bill providing for the disposition of runaway slaves. Read first and second times, and referred to the committee on State Affairs :

Mr. Throckmorton, chairman of the Joint Committee on the reduction of expenditures of the State Government, made the following report :

The joint committee on the Reduction of Expenditures of the State Government, have examined into, and considered of the appropriations and expenditures of the Lunatic, Deaf and Dumb and Blind Asylum.

The salaries of officers, except Superintendant of Lunatic Asylum, are not fixed by law, but are fixed by the Trustees of the several Institutions.

The patients of the Lunatic Asylum and the pupils of the Deaf and Dumb and Blind Asylums, are supported by the State entirely, so far as provisioning and lodging them. The officers of the institution and their families are also lodged and fed at the expense of the State.

The great pressure upon the State Treasury, and the necessity there exists for an increase in the taxes, and a corresponding necessity for the most rigid economy in the administration of any department of government have induced your committee to report the accompanying bill and to recommend its passage.

It will be observed in the bill, we have proposed that the pupils of the Deaf Dumb and blind Asylums shall not cost the State more than \$150 annually, each. We mean by this, that the average cost of each pupil for educating and supporting him shall not be a charge to the state for more than that sum, and all over that sum shall be paid by the parents or guardians, and in the case of indigents, by the county that sends them.

We suppose by a rigid system of economy, (after the schools are properly started,) that one hundred and fifty dollars per annum, each will support and educate this unfortunate class of our people.

It is extremely difficult for us to determine what is necessary, and much indeed, all reforms and improvements must be intrusted in a great degree, to the observation of the officers and Trustees of the several Institutions. If they are administered with prudence and economy, the State can keep them up. But if extravagances and superfluities enter into the administration of them, they had at once better be abolished. We believe they

are doing great good, and that the blessings of the unfortunate will be heaped upon those who inaugurated a system of so much humanity, and to make it continuous, and that thousands of poor creatures hereafter, may have cause to bless the generosity of their State, it is earnestly hoped that those Trustees and Officers who control the several institutions, will have on eye and heart single to their permanency and the blessings which they are to confer upon the helpless for whose benefit they have been endowed. The committee are satisfied that the Trustees and Officers will do their whole duty in carrying out the objects had in view, in the endowment of the several asylums. The gratitude of the whole State is due the Trustees of the several asylums, their labors are gratuitous and prompted wholly by the most benevolent and generous impulses.

A bill to establish certain regulations for the management of the Lunatic, Deaf and Dumb and Blind Asylums. Read first time.

A bill for the relief of George W. Morris. Read and ordered to be engrossed.

Rule suspended, read third time and passed.

A bill to define the boundaries of Hopkins county was, on motion of Mr. Harmon, laid on the table.

A bill granting land on which to erect buildings for public worship, with the report of the committee thereon recommending its rejection, read and adopted.

A bill to enable J. H. Saunders, the guardian of Webster J. Saunders, to remove the property of his ward from the State of Texas. Read and ordered to be engrossed.

Rule suspended, read third time and passed.

The report of the committee on Finance, on a bill requiring the Board of Auditors of Debts incurred by authority of the Convention, to audit the claims of Hiram B. Waller, recommending the adoption of a substitute therefor. Read, substitute adopted and bill ordered to be engrossed.

Rule suspended read third time and passed.

The report of the committee on the petition of Wm. Rice, for express service, recommending its rejection, read and adopted.

Mr. Throckmorton introduced a bill supplemental to an act supplemental to an act making an appropriation for the per diem pay and mileage of the members and officers of the Convention. Read first and second times and referred to the committee on Finance.

The report of the Judiciary committee on a joint resolution concerning the records of the district courts of the late United

States, recommending its rejection. Read and adopted.

The Senate being full, and the question being on the reconsideration of the vote which adopted the report of the Judiciary committee, recommending the rejection of the bill supplementary to an act concerning executions.

Mr. Gentry moved the previous question, which was ordered.

The yeas and nays were then taken on the reconsideration and stood thus:

YEAS—Messrs. Blanch, Chambers, Duggan, Fall, Harmon, Lott, Miller, Neal, Parsons, Pitts, Rains, Scarborough, Shepard and Walker—14.

NAYS—Messrs. Dulaney, Erath, Gentry, Grimes, Guinn, Herbert, Hyde, Martin, Potter, Schleicher, Stockdale, Throckmorton and Whaley—13.

The question then recurred on the adoption of the report.

Whereupon Mr. Lott moved to lay the report and bill upon the table, and the yeas and nays being called were as follows:

YEAS—Messrs. Blanch, Chambers, Duggan, Fall, Harmon, Lott, Miller, Neal, Parsons, Pitts, Rains, Shepard and Walker—13.

NAYS—Messrs. Dulaney, Erath, Gentry, Grimes, Guinn, Herbert, Hyde, Martin, Potter, Scarborough, Schleicher, Stockdale, Throckmorton and Whaley—14.

Mr. Gentry moved to indefinitely postpone the whole subject.

Whereupon the yeas and nays were called and the motion carried by the following vote:

YEAS—Messrs. Blanch, Dulaney, Erath, Gentry, Grimes, Guinn, Herbert, Hyde, Martin, Potter, Scarborough, Schleicher, Stockdale, Throckmorton and Whaley—15.

NAYS—Messrs. Chambers, Duggan, Fall, Harmon, Lott, Miller, Neal, Parsons, Pitts, Rains, Shepard and Walker—12.

On motion the Senate adjourned until 10 o'clock, A. M. tomorrow.

---

WEDNESDAY, April 3, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present. The journal of yesterday was read and adopted.

Mr. Miller, chairman of the Finance committee, made the following reports:

The committee on Finance, having considered a bill to make an appropriation for the payment for certain mules furnished for

the military service of the State, have instructed me to report the same back to the Senate, and recommend the adoption and passage of the accompanying substitute.

The committee on Finance have had under consideration a bill providing for the pay of the current expenses of the revenue cutter "Dodge," and recommend the adoption of the accompanying joint resolution as a substitute.

Your committee on Finance have considered a bill supplemental to an act making an appropriation for the per diem, pay and mileage of the Members and Officers of the Convention, and recommend its passage.

Mr Dulaney, from the committee on the Judiciary, to whom was referred a bill to amend article 1049, section —, of the law relating to the Selection of Jurors, passed February 13, 1858, reported the accompanying substitute, and recommended its passage.

Mr. Throckmorton, chairman on the part of the Senate, of the joint committee on reduction of Expenditures of the Government, reported the following bills, and recommend their passage:

A bill to regulate the salaries of certain State Officers, and Clerks therein named, and to reduce the number of Clerkships in the Comptroller's Office, and to arrange the same, and to abolish the allowance for contingent fund. Read first time.

A bill to reduce the expenditures on account of the General Land Office, and to regulate the fees and the manner of conducting the same. Read first time.

Mr. Potter introduced a bill to extend the time for completing the improvement of the Brazos River. Read first and second times, and referred to the committee on Internal Improvements.

Mr. Blanch introduced a bill supplementary to, and amendatory of, an act to amend the fourth section of an act to provide for the investment of the Special School Fund in the bonds of Railroad Companies incorporated by the State, passed August 13, 1856, approved February 22, 1858. Read first and second times, and referred to the committee on Internal Improvements.

Mr. Gentry introduced a bill supplementary to the act to provide for the investment of the Special School Fund in the bonds of Railroad Companies incorporated by the State, passed August 13, 1856. Read first and second times, and referred to the committee on Internal Improvements.

Mr. Potter introduced a bill to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the District Court; approved May 13, 1846. Read first time.

Rule suspended, read second time, and bill ordered to be engrossed.

Mr. Lott moved to amend by adding, at the end of first section,

"Provided, That no evidence taken in Mexico, under the provisions of this section, shall be used in any cause where the title to real estate in this State is in issue."

Lost, by the following vote—it requiring two-thirds to amend:

YEAS.—Messrs. Blanch, Chambers, Duggan, Dulaney, Grimes, Guinn, Herbert, Lott, Martin, Pitts, Rains, Walker and Whaley—13.

NAYS.—Messrs. Fall, Gentry, Hyde, Miller, Neal, Parsons, Potter, Scarborough, Shepard, Stockdale and Throckmorton—11.

Rule suspended, bill read third time, and passed.

Mr. Blanch moved to reconsider, upon which the yeas and nays were called, and stood as follows:

YEAS—Messrs. Blanch, Chambers, Duggan, Dulany, Erath, Fall, Gentry, Grimes, Harmon, Herbert, Lott, Martin, Miller, Pitts, Rains, Walker and Whaley—17.

NAYS—Messrs. Guinn, Hyde, Neal, Parsons, Potter, Scarborough, Schleicher, Shepard, Stockdale and Throckmorton—10

Mr. Miller moved to reconsider the vote engrossing the bill. Carried The question recurring upon the amendment of Mr. Lott, the amendment was lost, and bill engrossed, read third time, and passed by the following vote:

YEAS—Messrs. Blanch, Chambers, Duggan, Fall, Gentry, Guinn, Herbert, Hyde, Martin, Miller, Neal, Parsons, Pitts, Potter, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton and Walker—21.

NAYS.—Messrs. Dulaney, Erath, Grimes, Harmon, Lott and Whaley—6.

On motion of Mr. Miller, a bill supplemental to, and making, an appropriation for the per diem pay and mileage of the members and officers of the Convention, was taken up, read, and ordered to be engrossed. Rule suspended, read third time, and passed.

Mr. Pitts, chairman of the committee on General Land Office, to whom was referred a resolution in regard to having all papers in relation to land titles, or lands issued either by Spain or Mexico, and having them deposited in the General Land Office, reported the following bill, and recommended its passage:

A bill requiring the Commissioner of the General Land Office to procure all papers in this State relating to Land Titles issued

either by Spain or Mexico, and have them filed in the General Land Office. Read first time.

Mr. Fall, chairman of the select committee, to whom was referred the petition of A. G. Walker, for change of venue, reported the same to the Senate for its action, without any recommendation.

A bill for the relief of Thomas H. Duggan read, and ordered to be engrossed. Rule suspended, bill read third time, and passed.

A bill for the relief of Martin Jones read, and ordered to be engrossed. Rule suspended, bill read third time, and passed.

A bill repealing an Ordinance of the late Convention of the People of the State of Texas in relation to Custom House Officers, and Customs' Revenue, adopted March 8, 1861. Read and ordered to be engrossed.

Rule suspended, bill read third time, and passed.

Resolution to repeal resolution heretofore passed, providing that no private business shall be transacted during the present session. Read and referred to the committee on State Affairs.

Mr. Fall offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of passing some law to punish slaves for selling or giving spirituous liquors to slaves or other persons.

A message was received from the House, informing the Senate that the House had passed Senate's joint resolution in relation to the revenue cutter "Dodge," and the officers thereof.

And House bill, supplementary to an act to provide for the investment of the Special School Fund in the bonds of Railroad Companies, incorporated in the State by act of August 13, 1856

Bill to amend the act amendatory of the laws to raise Revenue by taxation, approved February 16, 1858.

Bill making appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers, of the adjourned session of the Eighth Legislature.

Joint resolution, authorizing the payment of the salary of the late Captain T. P. Paster, deceased, as door-keeper of the House of Representatives, to D. C. Dickson.

Joint resolution for turning over the property now in the possession of the State, lately taken from the United States Government, to the Confederate States Government.

A resolution to adjourn, *sine die*, on Monday, April 8, at ten o'clock, A. M.

A bill for the relief of Charles Ganahl.

Mr. Walker introduced a bill to suspend legal process, after judgment for the Collection of Debts, read first and second times, and referred to committee on State Affairs.

Mr. Herbert introduced a bill authorizing the Commissioner of Boundary Survey to draw the pay of clerk to said survey, from and after the tenth day of June, A. D. 1860. Read first and second times, and referred to the committee on State Affairs.

A bill for the encouragement of Manufactories in Texas. On report of the committee on State Affairs, recommending amendments. Read second time; amendments adopted.

Mr. Martin offered the following amendment—add, “the manufacture of superfine flour.”

On motion of Mr. Lott, the amendment was laid on the table.

Mr. Miller moved to lay the bill on the table. Lost.

Mr. Martin offered the following amendment:

“The parties receiving the benefits of this act by donation of land, shall bind themselves to keep said manufacturing establishments in good order, and keep the same in operation for ten years after receiving the benefits accruing from this act.”

On motion, the amendment was laid on the table. The question being on the re-reference of the bill to the committee on State Affairs,

On Mr. Blanch's motion thereupon, the Senate adjourned until seven o'clock, P. M.

---

• • 7 o'CLOCK, P. M.

Senate met; quorum present.

A message was received from the House, informing the Senate that the House had passed

A bill to define the line of Bell and Milam counties.

A bill to provide for the running the county lines between the counties of Marion, Cass and Titus.

A bill prescribing the manner of authenticating instruments of Record.

A bill to authorize the County Courts of Nacogdoches, Navarro, Jackson, Colorado, Calhoun, El Paso, Jasper, Newton, Dallas, Atascosa, Fort Bend, Fannin, Madison, *et al* Counties, to regulate the pay of sheriffs therein in certain cases.

A bill supplementary and amendatory of the act creating the county of Kaufman, approved February 26, 1848.

A bill to amend the fourth, seventh, eighth, fifteenth, eight-

teenth, and thirty-fourth sections of an act to provide for the assessment and collection of Taxes, approved February 11, 1850; approved February 11, 1860.

And that the House agreed to Senate's amendment to the House bill to attach the unorganized counties of Wichita, Wilbarger, Hardeman and Greer, to the county of Clay, so as to form one Land District.

The question before the Senate at its adjournment being, on a rerefERENCE of the bill for the encouragement of manufactoryes in Texas, to the committee on State Affairs.

Mr. Martin moved to amend, by referring to the committee on Public Lands; upon which the yeas and nays were called, and stood thus:

YEAS—Messrs. Blanch, Chambers, Duggan, Quinn, Herbert, Martin, Miller, Parsons, Pitts, Scarborough and Stockdale—11.

NAYS—Messrs. Dulaney, Erath, Fall, Gentry, Harmon, Hyde, Lott, Neal, Potter, Schleicher, Shepard, Throckmorton and Walker—13.

Mr. Chambers offered the following amendment:

“Provided, that nothing herein contained shall be so construed as to give or grant any portion of land, or land certificates, to any manufactory heretofore constructed within the limits of this State.” Lost.

Mr. Martin offered the following amendment:

“That the privileges and benefits of the above act shall only apply to the owners of the first ten establishments of each kind enumerated in this act; and five shall be east of the Trinity river, and five west.”

Mr. Miller offered the following as a substitute for the amendment proposed. Add the two following sections:

“SECTION.— *Be it further enacted*, That not more than eight factories shall be entitled to the benefits of this act; and four of the eight shall be located east, and the other four west, of the Trinity river.

“SEC. —. *Be it further enacted*, That before any of the land certificates provided for by this act shall issue, the company or person to whom they are to be issued shall execute to the State bond, with at least three good securities, to be approved by the Commissioner of the General Land Office, in a sum equal to the value of the certificates to be issued as fixed by law for landscrip, conditioned for the faithful observance of all the obligations imposed on such company, or persons, by this act, and for the continuance of the investment for which the certificates are to issue, for, and during, the term of ten years.” Lost.

The question recurring upon the adoption of Mr. Martin's amendment, was put and lost.

Mr. Blanch offered the following amendment:

~~Strike out “\$10,000” when it occurs, and insert “\$1000.”~~

Mr. Hyde moved to refer to the committee on State Affairs, with instructions to report to-morrow. Lost.

Mr. Herbert moved to indefinitely postpone the amendment, and the bill. The yeas and nays stood as follows:

YEAS—Messrs. Blanch, Duggan, Guinn, Herbert, Miller, Scarborough and Stockdale—7.

NAYS—Messrs. Chambers, Dulaney, Erath, Fall, Gentry, Harmon, Hyde, Lott, Martin, Neal, Parsons, Potter, Schleicher, Shepard, Throckmorton, Walker and Whaley—17.

Mr. Potter moved the previous question, which was ordered; upon which,

Mr. Martin moved a call of the Senate, which was sustained.

Mr. Shepard moved to suspend the call. Lost.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported:

A joint resolution in relation to the Revenue Cutter “Dodge,” correctly enrolled, properly signed, and this day presented to the Governor.

A bill providing means for the payment of certain debts created by authority of the late Convention of the People of the State of Texas, with the report of the committee on Finance, offering amendments thereto, was read, amendments adopted, and bill ordered to be engrossed.

Mr. Gentry made the following report:

The special committee, to which was referred the House bill authorizing a loan, and imposing a specific tax to meet the principal and interest thereof, and specifying how the money arising from the loan shall be applied, have considered the same, and I am instructed to report the bill back to the Senate, with the following amendments; and recommend the adoption of the amendments, and the passage of the bill:

First amendment: Substitute for the caption the following:

“A bill authorizing a loan, and imposing a specific tax to meet the principal and interest thereof, under the provisions of the thirty-third section of the seventh article of the Constitution of the State.”

Second: Substitute the following for the first and second sections:

“SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor of the State of Texas shall cause to

be executed the bonds of the State for the sum of one million dollars, in sums of one thousand dollars each, redeemable in sixteen years, and bearing interest at the rate of eight per centum per annum, payable semi-annually; with coupons for the semi-annual interest attached, payable on the first of July and first of January of each year. The bonds shall be signed by the Governor and Treasurer, and shall be registered by the Comptroller, who shall certify the fact of such registration on the back of the bonds; and the coupons shall be signed by the Treasurer. The bonds and coupons shall be payable at some bank in the city of New Orleans, in the State of Louisiana."

Third: Substitute the following for section 3:

"SECTION 2 The Governor shall appoint an agent to negotiate the sale of said bonds, from time to time, and to place the proceeds of such sales in some bank in the city of New Orleans, to be subject to the order of the Comptroller of the State, and by him to be placed in the State Treasury. Said agent shall be governed by the instructions of the Governor."

Fourth: Substitute, for section 4, the following:

"SECTION 3. The proceeds of the sales of said bonds shall be applied to the following objects, and to no other purpose whatever:

"To the payment of all indebtedness of the State created for the defence of the frontier, and to the payment of appropriations which have been, or may hereafter be, made for the military defence of the State.

"To the repayment of all the disbursements made from the treasury, or anticipated from the accruing revenue of the State, or from any special fund or funds in the State Treasury, to meet appropriations to pay the expenses of the State Convention, and of the extra and adjourned sessions of the Eighth Legislature.

"To the payment of all appropriations made to meet the debts created, or incurred, by authority of the State Convention, and to meet any deficit in appropriations made to meet the expenses of said Convention, and of the expenses of the extra and adjourned sessions of the Eighth Legislature.

"To the payment of any deficit in the appropriations made to meet the ordinary expenses of the Government for the year 1861, arising from the anticipation of the revenue to meet extraordinary demands.

"Fifth: Amend fifth section by striking out of second line from bottom the words 'may now be,' and inserting the words 'is now', and make the fifth section the fourth; the sixth section the fifth; and the seventh section the sixth.

"Sixth: Amend the sixth section, as renumbered, by adding the following proviso:

"Provided, that whenever the State shall have retained and cancelled one-fourth of this issue of one million dollars of bonds, it shall be the duty of the Comptroller of the State to decrease the specific tax herein provided for one cent, on the one hundred dollars of the value of the real and personal property assessed; and upon the retiring of each additional sum of two hundred and fifty thousand dollars of this issue of bonds, one cent, on the one hundred dollars of said specific tax shall be taken off.

"Seventh: Substitute, for section 8, the following:

"SECTION 7. The money realized by the specific tax provided for in this act shall be applied, first, to the payment of the interest coupons maturing upon this issue of bonds, and the residue shall be deposited in the State Treasury, and constitute a special sinking fund for the redemption of the principal of said bonds. Whenever fifty thousand dollars of said sinking fund shall have accumulated in the Treasury, it shall be the duty of the Governor to cause the Comptroller and Treasurer to invest said amount in the redemption of said bonds. For which purpose the Comptroller shall give thirty days notice, by publication in one newspaper printed in the city of New Orleans, and one in the city of Austin, that he will redeem, or purchase, said amount of bonds from the lowest bidder; and he shall receive sealed proposals therefor, to be opened by him in the presence of the Governor and Treasurer, and he shall redeem the bonds offered at the lowest rates: *provided*, that in no instance shall said officers pay a higher rate for said bonds than ten per centum premium on their value; and further *providsd*, that in case they cannot be purchased at a rate within the limits aforesaid, then the said officers may invest said sinking fund in the bonds of the Confederate States of America. *Provided*, they can be obtained within the same limits as to price, and said federal bonds shall be placed in said special sinking fund.

"Eighth: Substitute for section 9, (and make it section 8,) the following:

"SECTION 8. The plate upon which the bonds are engraved shall be returned to the Governor and Comptroller, with the bonds, and shall be by them destroyed.

"Ninth: Make section 10 section 9; make section 11 section 10; make section 12 section 11."

On motion of Mr. Potter, the rule was suspended, and the report and bill was made the special order for to-morrow, at twelve o'clock.

Mr. Throckmorton, in behalf of the joint committee on the Reduction of Expenditures of the State Government, made the following report:

Your committee have examined into, and considered of, the appropriations and expenditures of the Lunatic, Deaf and Dumb, and Blind Asylums. The salaries of officers for the asylums, (except superintendent of Lunatic Asylum,) are not fixed by law, but are fixed by the trustees of the several institutions.

The patients of the Lunatic Asylum, and the pupils of the Deaf and Dumb, and Blind Asylums, are supported by the State entirely, so far as provisioning and lodging them. The officers of the institutions, and their families, are also lodged, and fed, at the expense of the State. The great pressure upon the State Treasury, and the necessity there exists for an increase in the taxes, and a corresponding necessity for the most rigid economy in the administration of every department of government, have induced your committee to report the accompanying bill, and to recommend its passage.

It will be observed, in the bill we have proposed, that the pupils of the Deaf and Dumb, and Blind Asylums, shall not cost the State more than \$150 00, annually, each. We mean by this, that the average cost of each pupil, for educating and supporting him, shall not be a charge to the State for more than that sum; and all over that sum shall be paid by the parents or guardians, and, in the case of the indigent, by the county that sends them. We suppose, by a rigid system of economy, (after the schools are properly started,) that one hundred and fifty dollars per annum will support and educate this unfortunate class of our people.

It is extremely difficult for us to determine what is necessary, and much, indeed, all reforms and improvements, must be entrusted, in a great degree, to the observation of the officers and trustees of the several institutions. If they are administered with prudence and economy, the State can keep them up. But if extravagancies and superfluities enter into the administration of them, they had, at once, better be abolished.

We believe they are doing great good, and that the blessings of the unfortunate will be heaped upon those who inaugurated a system of so much humanity. And to make it continuous, and that thousands of poor creatures hereafter may have cause to bless the generosity of their State, it is earnestly hoped that those trustees and officers who control the several institutions will have an eye, and a heart, single to their permanency, and the blessings which they are to confer upon the helpless, for whose benefit they have been endowed.

The committee are satisfied that the trustees and officers will do their whole duty, in carrying out the objects had in view in the endowment of the several asylums. The gratitude of the whole State is due the trustees of the several asylums. Their labors are gratuitous, and prompted wholly by the most benevolent and generous impulses.

On motion, the Senate adjourned until ten o'clock, to-morrow morning.

---

THURSDAY, April 4th, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain —roll called—quorum present—the journal of yesterday was read and adopted.

Mr. Shepard, chairman of committee on State Affairs made the following reports :

The committee on State Affairs, to whom was referred a resolution for the repeal of a former resolution, providing that no business of a private nature should be transacted during the present session, have considered the same and instruct me to report that it is now too late in the session, to make it of any practical benefit, they therefore recommend that it be laid on the table.

The committee on State Affairs, to whom was referred a bill for the disposition of run-away slaves, have considered the same and instruct me to report the same to the Senate, and recommend its passage.

The committee on State Affairs, to whom was referred a bill for the relief of the Commissioner of the Boundary Survey, have had the same under consideration, and a majority thereof instruct me to report the bill to the Senate, with the recommendation that the same be rejected ; for the reason, that its provisions are in direct contravention with the 25th section, Article third of the constitution of the State of Texas.

The committee on State Affairs, to whom was referred a petition of sundry citizens of Tyler county, for the relief of sheriffs, have considered the same and instruct me to report it as inexpedient to grant the prayer of petitioners, and therefore the committee recommend that the petition be indefinitely postponed and that they be discharged from further consideration of the same.

The committee on State Affairs, to whom was referred a bill prescribing the duties and obligations in certain cases of com-

mission merchants, factors and others, have had the same under consideration, and a majority of the committee instruct me to report that in their opinion such legislation is inexpedient and unnecessary, they therefore recommend the rejection of the bill.

Mr. Fall, chairman of committee on Engrossed Bills, reported correctly engrossed, a bill to provide for the sale of land ceded to the United States government for Indian purposes by act of the Legislature, approved Feb., 6, 1854.

Mr. Hyde, chairman of the committee on Private Land Claims, made the following report :

The committee on Private Land Claims, to whom was referred a bill for the relief of Charles Linney, have considered the same, and have instructed me to refer the same back and recommend a substitute, and recommend its adoption and passage.

The said Charles Linney, was a citizen of Texas and a married man, previous to the Declaration of Independence in 1836, and is still a citizen. He presented his claim to the Court of Claims, with the witnesses, which Court approved the claim. Since which time the witnesses have both died, but were well known to Hon. G. B. Erath.

James Adams received a certificate for a headright, which was issued after the closing of the Land Office in 1835, which has been declared void, and his heirs claim this certificate in lieu of the former.

Mr. Duggan, from the committee on Claims and Accounts, made the following report :

Your committee on Claims and Accounts, to which was referred the petition of Samuel Everett, asking for relief, have examined the same, and find that the said Everett was on the third of November, 1859, wounded in an Indian fight, receiving a severe wound in the face, disfiguring him very much, and another in the arm, disabling him. Said Everett, was serving in the company commanded by T. J. Hales.

A majority of your committee instruct me to report the accompanying bill, and recommend its passage.

A bill for the relief of Saml. Everett. Read first time.

Mr. Potter, chairman of the Judiciary committee, made the following report :

The Judiciary committee, have considered a joint resolution proposing an amendment to the seventh article of the constitution. Under the provisions of the constitution, no amendment of the constitution can be proposed by the Legislature, except, at a regular biennial session. (See Cons. Art. 7., Sec. 37.)

The committee would be glad to see the proposed amend-

ment engrafted upon the constitution, but, in view of the fact that this is not a regular session of the Legislature, I am directed by the committee, to return the joint resolution to the Senate, and ask to be discharged from its further consideration.

Mr. Stockdale, from the committee on Internal Improvements, to whom was referred a bill, to extend the time for completing the improvement of the Brazos River, reported the same to the Senate, and recommended its passage

Mr. Stockdale, chairman of the committee on Internal Improvements, to whom was referred a bill supplementary to and amendatory of an act to amend the fourth section of an act to provide for the investment of the special school fund in the bonds of railroad companies, incorporated by the State, passed August 13, 1856, approved February 22, 1858, reported the same to the Senate and recommended its passage.

Mr. Hyde introduced a bill providing for a change of venue in the case of the State of Texas vs. Albert G. Walker, now pending in the district court of Tarrant county. Read first time.

On motion of Mr. Hyde, rule suspended, bill read second time and ordered to be engrossed.

Rule further suspended, bill read third time and passed.

Mr. Potter introduced a bill providing for the printing of certain matters, with the general laws of the extraordinary session of the eighth Legislature. Read first time.

Rule suspended, read second time and ordered to be engrossed.

Rule further suspended, bill read third time and passed.

Mr. Hyde introduced a bill, making provisions for the translation and printing of certain general laws and ordinances in the Spanish and German languages. Read first and second times and referred to the committee on Printing.

Mr. Dulaney introduced a joint resolution, requesting the Representatives of the State of Texas in the Confederate Congress, to use their influence to obtain the passage of an act of Congress, establishing a mail stage route, from the city of Shreveport, Louisiana, to the town of Nacogdoches, Texas, running on the present route by way of Greenwood, La., Carthage, Panola county, and thence direct to Nacogdoches, &c. Read first time.

Rule suspended, read second time.

Mr. Martin moved to amend by adding:

"Also, the route from Waco to Tyler by the way of Corsicana, Navarro county." Adopted.

Mr. Lott moved to amend by adding:

"From Tyler, via Starrville, Smith county, to Marshall in Harrison county." Lost.

Mr. Harmon moved to amend by adding :

"And all other established mail routes in the State. Adopted.

On motion of Mr. Martin, bill and amendments were laid on the table.

A bill to provide for the redemption of Treasury warrants, issued to William Fitzhugh. Read second time.

Mr. Herbert offered a substitute which was adopted and ordered to be engrossed.

Rule suspended, bill read third time and passed.

Mr. Gentry introduced a joint resolution concerning rights of transit through Mexico. Read first time.

Rule suspended, read second time and ordered to be engrossed.

Rule further suspended, read third time and passed.

A message was received from the House, reporting the passage of a bill to attach the county of Edwards to the county of Uvalde, for judicial and other purposes, until organized, and

A bill to authorize the county courts of the several counties to transfer portions of the jury fund to the general county fund originating in the Senate, and

A bill to change the boundary line, between the counties of Goliad and Victoria, originating in the House.

On motion of Mr. Stockdale, the bill was taken up. Read first time.

Rule suspended, read second time and passed to a third reading.

Rule further suspended, read third time and passed.

A message was received from the Governor.

Which was on motion of Mr. Potter, transmitted to the House of Representatives.

Mr. Erath, chairman of the select committee of nine to apportion the State for representation in the Congress of the Confederate States of America, reported a bill embracing the object : to apportion the State of Texas and to regulate the election of members of Congress. Read first time.

Rule suspended, and made the special order for 3 o'clock, P. M., this day.

A bill for the relief of Chas. Ganahl. Read first and second times, and referred to committee on Finance.

A bill supplemental to an act to provide for the investment of the special school fund in the bonds of railroad companies, incorporated by the State, passed August 13th, 1856. Read first time.

A bill making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the adjourned session of the eighth Legislature. Read first and second times and referred to the committee on Finance.

A joint resolution, authorizing the payment of the salary of the late Capt. T. P. Plaster, deceased, as door-keeper of the House of Representatives, to D. C. Dickson. Read first time.

Rule suspended read second time and passed to a third reading.

Rule further suspended, read third time and passed.

A bill to amend an act amendatory of the laws to raise a revenue by taxation. Read first and second times and referred to the Finance committee.

A joint resolution providing for the turning over of the property now in the possession of the State, lately taken from the U. S. govertment, to the Confederate States. Read first and second times and referred to committee on State Affairs.

A bill prescribing the manner of authenticating instruments of record. Read first and second times and referred to Jndiciary committee.

A bill to amend the 4, 7, 8, 15, 18 and 34 sections of an act to provide for the assessment and collection of taxes. Read first and second times and referred to committee on Finance.

A bill to authorize the county courts of Nacogdoches and others to regulate the pay of Sheriffs therein, in certain cases. Read first and second times and referred to the committee on Finance.

A bill supplemental and amendatory of the act creating the county of Kaufman, approved Feb., 26, 1848 Read first and second times and referred to the committee on County Boundaries.

The bill providing for the encouragement of manufactories in Texas, being in order,

Mr. Blanch withdrew his amendment which was pending when the Senate last adjourned.

Mr. Miller renewed the amendment.

Mr. Martin moved the following as an amendment to the amendment :

"And strike out eight sections and insert five," which was accepted.

The yeas and nays being called on the adoption, the question was lost by the following vote :

YEAS—Messrs. Martin, Miller, Neal and Pitts—4.

NAYS—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath,

Fall, Gentry, Grimes, Guinn, Harmon, Herbert, Hyde, Lott, Parsons, Potter, Rains, Schleicher, Shepard, Stackdale, Throckmorton, Walker and Whaley—22.

Mr. Parsons moved to strike out eight sections and insert four.

Upon which the yeas and nays stood thus:

YEAS—Messrs. Blanch, Chambers, Duggan, Erath, Grimes, Guinn, Herbert, Hyde, Martin, Miller, Neal, Parsons, Pitts, Stockdale and Throckmorton—15.

NAYS—Messrs. Dulaney, Fall, Gentry, Harmon, Lott, Potter, Rains, Schleicher, Shepard, Walker and Whaley—11.

Mr. Throckmorton moved to amend as follows:

“Strike out four sections and insert six.”

Upon which the yeas and nays stood thus:

YEAS—Messrs. Dulaney, Erath, Fall, Gentry, Harmon, Hyde, Lott, Neal, Pitts, Potter, Rains, Schleicher, Shepard, Throckmorton, Walker and Whaley—16.

NAYS—Messrs. Blanch, Chambers, Duggan, Grimes, Guinn, Herbert, Martin, Miller, Parsons and Stockdale—10.

Mr. Herbert moved to amend by striking out: “\$10,000,” and inserting “\$20,000.” Lost.

The question on the passage of the bill to a third reading was then taken and carried by the following vote:

YEAS—Messrs. Dulaney, Erath, Fall, Gentry, Harmon, Hyde, Lott, Neal, Potter, Rains, Schleicher, Shepard, Throckmorton, Walker and Whaley—15.

NAYS—Messrs. Blanch, Chambers, Duggan, Grimes, Guinn, Herbert, Martin, Miller, Parsons and Stockdale—10.

A bill providing means for the payment of certain debts created by authority of the late Convention of the people of the State of Texas. Read third time and passed.

The committee on State Affairs to whom was referred a joint resolution providing for the turning over of the property now in the possession of the State and lately taken from the United States government, to the Confederate States government, reported the following amendment and recommended its passage:

Amend fifth line of first section by striking out: “H. P. Brewster,” and after the word “agent,” in the same line, insert the words “or agents.”

Mr. Hyde introduced a bill to incorporate the Texas and Arizona Mining and Transportation Company. Read first and second times and referred to the committee on the Judiciary.

A bill authorizing a loan, and imposing a specific tax to meet the principal and interest thereof, and specifying how the money

arising from the loan shall be applied ; on the report of the select committee, recommending amendments being the special order, was called :

Amendments severally adopted.

Mr. Potter offered the following amendment :

Amend 10th section, original bill, by striking out the word, "bill," at the end of the section, and insert in lieu thereof, "act."

At the end of the same section, add the following :

"The agent appointed by the Governor for the purpose herein contemplated, may be allowed such reasonable compensation for his services, as shall be agreed upon and established by the Governor, Comptroller and Treasurer, or a majority of them."

Adopted and bill passed to third reading.

Rule suspended, read third time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harmon, Herbert, Hyde, Martin, Miller, Parsons, Pitts, Potter, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton and Whaley—22.

NAYS—Mr. Rains—2.

On motion the Senate adjourned until 3 o'clock, P. M.

---

### 3 O'CLOCK, P. M.

Senate met—quorum present.

Mr. Walker, chairman of the committee on Public Lands, to whom was referred a bill to amend an act to authorize the Commissioner of the General Land Office, to issue patents upon surveys heretofore made, not in a form required by law, approved 17th January, 1860, reported the bill to the Senate and recommended its passage.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported :

A bill to define the line of Bell and Milam counties.

A bill to provide for the running the county lines between the counties of Marion, Cass and Titus.

A bill to attach the county of Wichita to the county of Clay, so as to form one land district.

A bill to authorize the county courts of the several counties to transfer portions of the jury fund to the general county fund.

A bill to attach the county of Edwards to the county of Uvalde, for judicial purposes until organized, correctly enrolled, properly signed, and this day presented to the Governor.

A bill to apportion the representation for the State of Texas, in the Congress of the Confederate States of America, being the special order for this hour,

Mr. Stockdale offered the following amendment :

*"Provided,* That should the Congress of the Confederate States fix any other day for said election than that herein designated, then said election shall be held on the day so fixed."

Adopted.

Mr. Blanch offered a substitute for the bill, which was lost by the following vote :

YEAS—Messrs. Blanch, Chambers, Neal, Parsons, Potter, and Stockdale—6.

NAYS—Messrs. Duggan, Dulaney, Erath, Fall, Gentry, Grimes, Guinn, Harmon, Herbert, Hyde, Martin, Miller, Pitts, Rains, Schleicher, Shepard, Throckmorton and Walker—18.

Mr. Blanch moved to amend as follows :

Substitute for the fifth district as follows : "The counties of Cooke, Denton, Montague, Clay, Young, Collin, Grayson, Dallas, Kautman, Henderson, Smith, Van Zandt, Rusk, Parker and Tarrant ; and for the sixth district, the counties of Fannin, Hunt, Lamar, Hopkins, Red River, Titus, Bowie, Marion, Cass, Harrison, Upshur and Wood." Lost.

Mr. Parsons moved to make the bill the special order for tomorrow, 10 o'clock, A. M. Lost.

Mr. Parsons offered the following amendment :

"Take Rusk county from the fifth and add it to the fourth district," Lost.

The question was then taken on the engrossment of the bill and carried.

Mr. Throckmorton moved to suspend the rule, whereupon Mr. Blanch moved a call of the Senate which was sustained.

The Senate being full, the motion to suspend the rule was put and lost.

A bill to provide for the sale of the reservation of land ceded to the United States for Indian purposes, by an act of the Legislature, approved Feb., 6, 1854.

Mr. Herbert moved to amend by adding : "to the highest bidder for cash."

Mr. Dulaney offered to amend, so as to make the purchase money payable in three installments, of six, twelve and eighteen months, with interest from date of sale. The sales to be made at public auction to the highest bidder.

Strike out : "one dollar and fifty cents," in third section, and insert, "two dollars and fifty cents." Lost.

Mr. Herbert's amendment, was then put and lost.

Mr. Herbert then moved to amend by striking out, "6 per cent," and inserting, "ten per cent." Carried.

Mr. Walker offered the following :

*"Provided,* That any one settled on said land, may take the same under the pre-emption law now in force, at one dollar and twenty-five cents per acre."

Mr. Potter moved to lay on the table. Carried.

Mr. Potter moved to amend as follows :

In section four, line second, after the word, "bidder," "for one-third cash, the remained." Adopted.

Mr. Herbert moved to strike out, "one dollar and fifty cents," and insert, "two dollars."

Mr. Harmon moved to lay the amendment on the table, upon which the yeas and nays were :

YEAS.—Messrs. Chambers, Erath, Gentry, Harmon, Hyde, Lott, Martin, Neal, Parsons, Pitts, Potter, Rains, Scarborough, Schleicher, Throckmorton and Walker—16.

NAYS—Messrs. Blanch, Duggan, Dulaney, Grimes, Guinn, Herbert, Miller, Shepard and Whaley—9.

A bill to establish certain regulations for the management of the Lunatic, Deaf and Dumb and Blind Asylums. Read second time and ordered to be engrossed.

Rule suspended, read third time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Dulaney, Erath, Gentry, Grimes, Guinn, Harmon, Herbert, Hyde, Lott, Martin, Miller, Neal, Parsons, Pitts, Potter, Rains, Scarborough, Shepard, Throckmorton and Walker—22.

NAYS—Messrs. Duggan and Whaley—2.

A bill to regulate the salaries of certain State officers and clerks therein named, and to reduce the number of the clerkships in the Comptroller's office, and to arrange the same, and to abolish the allowance for contingent fund. Read second time, and ordered to be engrossed.

Rule suspended, read third time.

Mr. Potter moved to strike out all that relates to the Attorney General, upon which the yeas and nays were called and stood thus :

YEAS—Messrs. Chambers, Duggan, Dulaney,, Erath, Gentry, Herbert, Miller, Neal, Parsons, Pitts, Potter, Scarborough, Schleicher, Shepard and Whaley—15.

NAYS—Messrs. Grimes, Guinn, Harmon, Hyde, Rains, Throckmorton and Walker—7.

Carried by two-thid vote. The bill was then passed.  
On motion the Senate adjourned until half past nine o'clock,  
A. M., to-morrow.

---

FRIDAY, April 5, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday read and adopted.

Mr. Miller, Chairman of the Finance committee, to whom was referred a bill for the relief of Charles Ganahl, reported the same to the Senate and recommended its passage.

A bill to amend an act to amend the fourth, seventh, eighth, fifteenth, eighteenth and thirty-fourth sections of an act to provide for the assessment and collection of taxes, approved Feb. 11, 1850; approved Feb. 11, 1860, reported the same back to the Senate and recommend its passage without amendment.

A bill to authorize the County Courts of Nacogdoches, Navarro, Jackson, *et als* counties, to regulate the pay of Sheriff's therein in certain cases, reported the same back to the Senate and recommend that it be referred to the committee on Roads, Bridges and Ferries, as the more appropriate committee to consider the subject matter thereof, and asked to be excused from the further consideration thereof.

A bill to amend an act amendatory of the laws to raise revenue by taxation, approved Feb. 16, 1858, reported the same to the Senate and recommend its passage with the following amendment, to-wit: amend first section by striking out the word "or" where it first occurs in the eleventh line and insert instead thereof the words "and on the amount of capital."

Mr. Herbert, Chairman of the committee on Roads, Bridges and Ferries, to whom was referred a bill to amend an act to regulate ferries, passed Jan., 23, 1850, reported the same to the Senate and recommended its passage.

Mr. Duggan, Chairman of the committee on County and County Boundaries, to whom was referred a bill supplemental to and amendatory of the act creating the County of Kaufman, approved Feb., 26, 1848, reported the same to the Senate and recommended its passage.

Mr. Fall, Chairman of the committee on Engrossed Bills, reported a bill to apportion the State of Texas and to regulate the election of members of Congress, correctly engrossed.

Mr. Potter, Chairman of the Judiciary committee, to whom

was referred a bill prescribing the manner of authenticating instruments for record, returned the same to the Senate with the following amendments and recommended the adoption of the amendments and the passage of the bill.

Amendments: 1st.—In section one line seven, after the words "Confederate States" insert "of America or their territories"

2nd.—In section one line eighth, after the word "States" insert "of America."

3rd.—In section two line one, strike out the words "all laws" and insert "the provisions of all laws so far as they."

On motion of Mr. Potter, the bill was taken up, amendments adopted and bill passed to third reading.

Rule suspended, read third time and passed.

Mr. Potter introduced a bill to authorize the sale of the remainder of the Austin city and out lots, and to transfer to said city certain property therein named. Read first and second times and referred to the committee on Finance.

Mr. Neal introduced a bill to define the boundaries of the county of McMullen. Read first and second times and referred to the committee on Counties and County Boundaries.

Mr. Blanch introduced a bill to authorize the Governor to extend the time of payment of interest arising on loans to Railroad Companies. Read first and second times and referred to the committee on Internal Improvements.

A message was received from the House, informing the Senate that the House had passed Senate's bill concerning contested elections of Judges of the District Courts.

A bill to supply deficiencies in former appropriations for frontier protection, and to provide for future expenses.

A bill supplemental to an act making an appropriation for the *per diem* pay and mileage of the members and officers of the Convention, with amendments.

A bill to incorporate the Galveston and Houston Junction Railroad Company. Read second time.

Mr. Gentry offered the following amendment:

"Provided that all the rights under this charter shall cease whenever a connection shall be made through the city of Houston, between the Texas Central and the Galveston, Houston and Henderson Railroads, provided said connection be completed before the first day of July, 1861."

Mr. Potter offered the following as a substitute for the amendment:

"Provided that a connection by railroad shall be made through the city of Houston, between the Texas Central and the Gal-

veston, Houston and Henderson Railroad of the same gauge as those roads, by the 1st day of July, 1861, then all rights under this charter shall cease and determine." Adopted.

Mr. Gentry offered the following amendment:

"Provided that the parties named in this act, shall only be authorized to act as commissioners to organize said company by receiving subscriptions to its capital stock." Adopted.

Mr. Potter moved to strike out "July" in third section of the bill, and insert "August." Adopted.

Bill ordered to be engrossed. Rule suspended, read third time and passed by the following vote:

YEAS—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath, Fall, Grimes, Guinn, Harmon, Herbert, Lott, Martin, Miller, Neal, Parsons, Pitts, Potter, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Walker and Whaley—24.

NAYS—Messrs. Gentry and Rains—2.

Mr. Shepard moved to reconsider the vote which passed the bill reducing the salaries of certain officers and to reduce the number of clerks in the Comptroller's office, &c.

The President decided the question to reconsider out of order, the bill having passed out of the possession of the Senate.

Whereupon, on motion of Mr. Stockdale, the Secretary was instructed to ask of the House that the bill be returned to the Senate.

Mr. Gentry introduced a bill to authorize the Governor to grant relief to certain railroad companies therein named. Read first and second times and referred to the committee on Internal Improvements.

Joint resolution providing for the turning over of the property now in possession of the State (lately taken from the United States Government) to the Confederate States Government. Read, amendments of the committee adopted and bill passed to a third reading.

Rule suspended, read third time and passed.

A bill to apportion the State of Texas for representation in the Confederate States.

Mr. Miller moved to make it the special order for to-morrow. Lost.

On motion of Mr. Herbert, the consideration of the bill was specially ordered at 3 o'clock, P. M.

A bill to amend the fourth, seventh, eighth, fifteenth, eighteenth and thirty-fourth sections of an act to provide for

the assessment and collection of taxes, was taken up on motion of Mr. Miller, and passed to a third reading.

Rule suspended, read third time and passed.

On motion the Senate adjourned until 3 o'clock, P. M.

---

3 o'CLOCK, P. M.

Senate met—quorum present.

A bill to apportion the State of Texas, and to regulate the election of members of Congress in the Confederate States, being the special order, Mr. Parsons moved to amend as follows:

Take Upshur from the 5th and add it to the 6th, and take Collin from the 6th and add it to the 5th District. Lost.

Mr. Pitts offered the following amendment:

Amend by taking Harrison from the 5th and add to the 6th, Rusk from the 5th and add to the 4th, take Anderson and Cherokee from the 4th and add to the 5th. Lost.

Mr. Blanch moved the previous question, which was ordered.

The vote was then taken on the passage of the bill, and the yeas and nays were as follows:

YEAS—Messrs. Duggan, Dulaney, Erath, Fall, Grimes, Guinn, Harmon, Herbert, Hyde, Martin, Miller, Pitts, Scarborough, Schleicher, Stockdale, Throckmorton and Whaley—17.

NAYS—Messrs. Blanch, Chambers, Lott, Neal, Parsons, Potter, Shepard and Walker—8.

Bill regulating the salaries of certain State officers &c., having been returned from the House on request, Mr. Shepard moved a reconsideration of the vote, which passed the bill, upon which the yeas and nays were called and stood thus:

YEAS—Messrs. Blanch, Chambers, Fall, Herbert, Lott, Parsons, Schleicher, Shepard, Stockdale and Whaley—10.

NAYS—Messrs. Erath, Grimes, Guinn, Harmon, Hyde, Martin, Miller, Neal, Pitts, Scarborough, Throckmorton and Walker—13.

A bill for the relief of Samuel Everitt. Read and ordered to be engrossed.

Rule suspended, read third time and passed by the following vote:

YEAS—Messrs. Blanch, Chambers, Duggan, Dulaney, Erath, Fall, Grimes, Harmon, Herbert, Hyde, Miller, Neal, Parsons, Pitts, Potter, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton and Walker—21.

NAYS—Messrs. Guinn and Martin—2.

A bill to define the boundaries of Hopkins county. Read and ordered to be engrossed.

Rule suspended, read third time and passed.

A bill supplemental to and amendatory of the act creating the county of Kaufman, approved Feb. 26, 1848. Read and passed to a third reading.

Rule suspended read third time and passed.

A bill supplemental to an act to provide for the investment of the Special School Fund in the bonds of railroad companies incorporated by the State, passed August 13, 1856. Read second time and referred to the committee on Internal Improvements.

A bill for extending the time for completing the improvement of the Brazos River. Read second time and ordered to be engrossed.

Rule suspended, read third time and passed.

Mr. Miller moved to take up a bill to amend the twelfth section of an act concerning proceedings in the District Court, approved March 16, 1848. Lost.

A bill to reduce the expenditures on account of the General Land Office, and to regulate the fees and the manner of conducting the same. Read second time.

Mr. Erath moved to amend by adding to the end of section one, "except the two examining Clerk's, who shall receive an annual salary of \$900 each, and all the assistant Draftsmen shall be of the same grade and receive an annual salary of \$1000 each. Adopted.

Bill ordered to be engrossed. Rule suspended, read third time and passed.

A bill to amend an act to provide for the investment of the spcial School Fund, ordered to be engrossed by the following vote:

**YEAS**—Messrs. Blanch, Chambers, Dulaney, Erath, Guinn, Harmon, Herbert, Lott, Miller, Neal, Parsons, Potter, Scarborough, Schleicher, Shepard and Stockdale—16.

**NAYS**—Messrs. Duggan, Grimes, Hyde, Martin, Pitts, Throckmorton and Walker—7.

Rule suspended, read third time and passed.

A bill to incorporate Columbus Lodge, No. 51, I. O. O. F. Read and ordered to be engrossed.

Rule suspended, read third time and passed, on call of the yeas and nays, unanimously.

A bill for the relief of Ware Benge. Amendments of com-

mittee adopted. Mr. Walker moved to strike out "320" and insert "640." Lost.

Bill ordered to be engrossed.

Rule suspended, bill read third time and passed.

Mr. Stockdale, Chairman of the committee on Enrolled Bills, reported:

Joint resolution authorizing the payment of the salary of the late Capt. T. P. Plaster, deceased, as Door-Keeper of the House of Representatives, to D. C. Dickson.

A bill to change the boundary line between the counties of Goliad and Victoria.

A bill concerning contested elections of Judges of the District Courts.

A bill to supply deficiencies in former appropriations for frontier protection, and to provide for future expenses.

A bill to amend the fourth, seventh, eighth, thirteenth, eighteenth and thirty-fourth sections of an act to provide for the assessment and collection of taxes, approved Feb. 11, 1850; Feb. 11, 1860, correctly enrolled.

The report of the committee on State Affairs, on a bill supplemental to the several acts organizing the State Government, recommending the indefinite postponement of the bill. Read and adopted.

Mr. Blanch, from the committee on Internal Improvements, to whom was referred a bill to authorize the Governor to extend the time of payment of interest arising on loans to railroad companies, reported the same with amendments and recommended its passage.

Amendments: After the word "payment," in line eight, section one, add the words "first September, 1861, or first January, 1862."

A bill for the relief of Nathan Davis. Read and ordered to be engrossed.

Rule suspended read third time and passed.

The report of the committee on State Affairs, on a resolution of the Convention recommending the passage of extradition laws by the Legislature, asking that the same be referred to the committee on the Judiciary. Read and adopted.

Mr. Gentry introduced a bill to incorporate the Houston Cotton Press Company. Read first time.

Rule suspended, read second time.

Rule further suspended, read third time and passed on a call of yeas and nays unanimously.

The report of the committee on the Judiciary, on a bill to

amend Art. 1049, section 4, of the law relating to the selection of jurors, passed Feb. 13, 1858, reporting a substitute for the bill. Read and adopted.

Mr. Miller offered the following amendment:

"The County Court shall make a reasonable allowance to the Sheriff's, for the additional labor required by this act." Lost.

The bill was then ordered to be engrossed.

Mr. Schleicher offered the following resolution:

*Resolved*, That the committee on Military Affairs, be instructed to inquire into the necessity of action on the part of this Legislature in regard to the Ordinance passed by the late Convention, calling out a regiment of cavalry, and report by bill or otherwise. Adopted.

A message was received from the House, reporting that the House concurred in the Senate's amendment to the loan bill.

A bill requiring the Commissioner of General Land Office, to procure all the papers in the State relating to land titles issued either by Spain or Mexico, and have them filed in the General Land Office. Read second time.

Mr. Potter moved to amend by adding the following to the end of second section.

"Provided that the papers placed in the General Land Office, under the provisions of this act, shall not thereby be considered as records or entitled to be certified from said office, as the records of said officer are." Adopted.

Bill referred to the committee on State Affairs.

On motion the Senate adjourned until 7 o'clock, P. M.

---

7 o'CLOCK P. M.

Senate met—quorum present.

The report of the committee on Finance, on a bill for the relief of Charles Ganahl, recommending its passage. Read and passed to a third reading.

Rule suspended, bill read third time and passed.

A bill to encourage the establishment of Manufactories in the State of Texas. Read third time and passed by the following vote:

YEAS—Messrs. Dulaney, Erath, Fall, Gentry, Harmon, Hyde, Lott, Neal, Potter, Rains, Throckmorton, Walker and Whaley—14.

NAYS—Messrs. Blanch, Chambers, Duggan, Guinn, Herbert, Martin, Miller, Parsons, Pitts and Stockdale—10.

A bill to amend the twelfth section of an act concerning proceedings in the District Court approved March 16, 1848.

Mr. Miller offered the following substitute for the bill:

"An act further regulating proceedings in the District Courts."

Mr. Dulaney moved the indefinite postponement of the bill and substitute, upon which the yeas and nays were as follows:

YEAS—Messrs. Dulaney, Erath, Fall, Gentry, Grimes, Guinn, Herbert, Hyde, Lott, Martin, Pitts, Potter, Schleicher, Stockdale and Throckmorton—15.

NAYS—Messrs. Blanch, Chambers, Duggan, Miller, Parsons, Rains, Scarborough, Shepard and Walker—9.

A message was received from the House, that the House had passed Senates bill, to refund the expenses and to pay for the services of S. P. Hollingsworth and Capt. John G. Todd, as special messengers from the Convention to the Congress of the Confederate States, at Montgomery, Ala., with amendments.

A bill to authorize and require all forced sales of real estate and negroes, and sales of real estate or negroes, made by executors or administrators in the county of Nueces, to be made at the front door of La Retama house, in the city of Corpus Christi.

A bill in relation to the School Fund derivable from taxation under the provisions of the second section of the tenth article of the Constitution of the State.

Joint resolution concerning Brigadier Gen. David E. Twiggs.

Joint resolution in relation to the establishment of an admiralty court for the State of Texas, at Galveston, and such other places in this State as commerce requires.

A bill to authorize and require public sales in the county of Hays, to be made upon the public square in the town of San Marcos.

A bill donating land to Cynthia Ann Parker, and to her daughter To-Kusan Parker. Substitute of the committee adopted. Bill read second time.

Mr. Throckmorton moved to amend by adding, "and one league to the surviving children of the Cameron family, and one league to the surviving children of the Mason family, of Jack county, and one league to the children of Mrs. Sherman, of Parker county. Rejected by the following vote:

YEAS—Messrs. Blanch, Harmon, Hyde, Potter, Stockdale and Throckmorton—6.

NAYS—Messrs. Chambers, Duggan, Erath, Fall, Gentry, Guinn, Herbert, Lott, Martin, Miller, Neal, Pitts, Rains, Scarborough, Schleicher, Shepard and Walker—17.

Mr. Blanch moved to strike out "one league" and insert "640 acres." Lost.

Bill ordered to be engrossed. Rule suspended, read third time and passed by the following vote:

YEAS—Messrs. Chambers, Duggan, Erath, Fall, Gentry, Harmon, Herbert, Lott, Martin, Miller, Neal, Parsons, Pitts, Potter, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton and Walker—21.

NAYS—Messrs. Blanch, Guinn and Hyde—3.

A bill granting a pension to Cynthia Ann Parker. Read, amendments adopted and bill passed to a third reading.

Rule suspended, read third time and passed.

Mr. Gentry introduced a bill for the relief of the parties therein named by grant of land. Read first time.

Resolution for the cooperation with the Confederate States. Read and ordered to be engrossed.

A message was received from the House informing the Senate that the House had passed a bill supplemental to an act to apportion the State of Texas, and to regulate the election of members of Congress.

A bill to amend an act amendatory of the laws to raise revenue by taxation. Amendments of finance committee adopted.

Mr. Throckmorton offered the following amendments:

"SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the first section of the above entitled act shall hereafter read as follows: that there shall be levied and collected for the use of the State, a direct *ad valorum* tax of fifteen cents, upon each hundred dollars worth of property, real and personal, (except such property as may be exempt by law from taxation.)"

The second section of the above recited act, shall hereafter read as follows:

"SEC. 2. That there shall be assessed and collected, of every free male person between the age of 21 and 50 years, residents of this State (idiots and persons *non compus mentis* excepted,) a poll tax of seventy-five cents, each." Adopted.

Mr. Potter offered the following amendment:

Strike out in the 15 16 lines, the following words: "the interest, if land, or the discount, if exchange, or notes if purchased for," and insert the following: "ten per centum upon." Which was adopted and bill passed to a third reading.

Rule suspended, read third time and passed.

On motion the Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, April 6th, 1861.

Senate met pursuant to adjournment—roll called—quorum present.

The journal of yesterday was read and adopted.

The report of the Finance committee, on a bill to authorize the county courts of Nacogdoches, Navarro, Jackson, Colorado, Calhoun, El Paso, Jasper, Newton, Dallas, Atascoso, Fort Bend, Fannin, Madison, *et al* counties to regulate the pay of Sheriffs therein in certain cases, recommending that the bill be referred to the committee on Roads Bridges and Ferries. Read and adopted.

Mr. Miller, chairman of the Finance committee, to whom was referred a bill making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the adjourned session of the eighth Legislature, reported the same to the Senate and recommended its passage without amendments.

Mr. Potter, chairman of the Judiciary committee, to whom was referred a bill to incorporate the Texas and Arizona Mining and Transportation Company, reported the same to the Senate and recommended its passage.

A message was received from the House informing the Senate that the House had passed Senate bills:

To establish certain regulations for the management of the Lunatic, Deaf and Dumb and Blind Asylums.

A bill to amend the act supplemental to an act to regulate estrays, approved 5th February, 1860, and

Joint resolution authorizing the Governor to appoint two Commissioners to examine into the affairs of the Central Railroad and to report to him.

Mr. Neal, chairman of the committee on Militia, to whom was referred a resolution instructing the committee on Military Affairs to enquire into the necessity of action on the part of the Legislature in regard to the ordinance passed by the late Convention, calling out a regiment of cavalry, reported the accompanying bill and recommended its passage.

A bill making an appropriation for the subsistence and transportation of supplies for the regiment ordered to be raised by an ordinance passed by the Convention. Read first time; rule suspended and read second time.

Mr. Throckmorton moved to amend by adding after dollars the words "out of the United States Bonds now in the Treasury."

On motion of Mr. Parsons the amendment was laid on the table by the following vote:

**YEAS**—Messrs. Blanch, Chambers, Duggan, Quinn, Herbert, Lott, Miller, Neal, Parsons, Pitts, Scarborough, Schleicher, Shepard, Stockdale and Whaley—17.

**NAYS**—Messrs. Erath, Fall, Grimes, Harmon, Hyde, Martin, Rains, Throckmorton and Walker—9.

Mr. Throckmorton offered the following amendment:

“Sec. 2. The Governor shall advertiser for sealed proposals for furnishing the supplies and subsistence, which contracts shall be given to the lowest and best bidder provided this requirement shall not interfere with the immediate wants of the service.” Adopted.

Mr. Walker moved to amend by adding the following words: “Provided he shall consider said bid reasonable and that this act take effect from its passage.” Adopted and bill ordered to be engrossed; rule suspended, read third time and passed.

Mr. Stockdale introduced a bill to amend the seventh chapter of the Penal Code. Read first time; rule suspended bill read second time and ordered to be engrossed; rule further suspended; read third time and passed.

Mr. Harmon introduced a bill to amend an act entitled an act to amend an ~~sc~~ entitled an act to organize Justice courts, and to define the powers and jurisdiction of the same, approved 7th February, 1861. Read first time; rule suspended read second time.

Mr. Miller moved to strike out “August” and insert “December.”

Mr. Parsons moved to refer to committee on the Judiciary. Lost.

The question on the adoption of Mr. Miller’s amendment was then put and carried.

The yeas and nays were taken on the engrossment of the bill and stood thus:

**YEAS**—Messrs. Dulaney, Erath, Fall, Gentry, Grimes, Quinn, Harmon, Herbert, Hyde, Martin, Miller, Pitts, Potter, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton and Whaley—19.

**NAYS**—Messrs. Chambers, Duggan, Parsons and Walker—4.

On motion of Mr. Herbert, the Secretary was instructed to request the return of the tax bill from the House, by the following vote:

**YEAS**—Messrs. Chambers, Duggan, Dulaney, Fall, Gentry, Grimes, Herbert, Neal, Pitts, Parsons, Scarborough, Stockdale, Walker and Whaley—14.

**NAYS**—Messrs. Erath, Guinn, Harmon, Martin, Miller, Potter, Schleicher, Shepard, and Throckmorton—9.

Joint Resolution concerning Brigadier General Twiggs. Read first time; rule suspended, read second time and passed to third reading; rule further suspended, read third time and passed.

The tax bill being in possession of the Senate, Mr. Herbert moved a reconsideration of the amendments of the Senate which, was lost by yeas and nays as follows:

**YEAS**—Messrs. Chambers, Duggan, Dulaney, Fall, Grimes, Herbert, Lott, Pitts, Parsons, Walker and Whaley—11.

**NAYS**—Messrs. Erath, Gentry, Guinn, Harmon, Hyde, Martin, Miller, Neal, Scarborough, Schleicher, Shepard, Stockdale and Throckmorton—12.

A bill to refund the expenses of S. P. Hollingsworth and Capt. J. G. Todd to Montgomery Alabama, on the amendment of the House, was on motion of Mr. Herbert, laid on the table by the following vote:

**YEAS**—Messrs. Chambers, Duggan, Dulaney, Fall, Gentry, Grimes, Harmon, Herbert, Martin, Miller, Schleicher, Stockdale, Throckmorton, Walker and Whaley—15.

**NAYS**—Messrs. Erath, Guinn, Hyde, Neal, Parsons, Pitts, Potter, Scarborough and Shepard—9.

A joint resolution authorizing the Governor to appoint two Commissioners to examine into the affairs of the Central Railroad and report to him, reported from the House. Read first time; rule suspended, read second time, and lost on the engrossment by the following vote:

**YEAS**—Messrs. Blanch, Erath, Gentry, Hyde, Martin, Neal, Pitts, Potter, Walker and Whaley—10.

**NAYS**—Messrs. Chambers, Duggan, Dulaney, Fall, Grimes, Guinn, Harmon, Herbert, Lott, Miller, Parsons, Scarborough, Schleicher, Shepard, Stockdale and Throckmorton—16.

Mr. Duggan moved a reconsideration. Carried.

Mr. Potter, then offered the following amendment:

After the word State in 2nd line of 1st section, strike out all down to and including “Railroad” in the line next to the last, and in place thereof insert, “may on the application of any of the Stockholders of the said Company of the Texas Central Railroad, appoint two Commissioners to enquire into and report to him the facts in relation to the late sale of the said railroad under execution; and the Commissioners so appointed shall have the power to send for persons and papers for the purpose of such examination. Provided that no expenses attending such examination, Provided that no expenses attending such examination,

shall be chargeable to or paid by this State, and the Stockholders making application for the appointment of such Commissioners shall before such appointment be made, make provision for the compensation of the Commissioners and the payment of the expenses attending the examination." Adopted; rule suspended, bill read third time and passed.

A message was received from the House, that the House had passed Senate's bill to amend the 71st and 92nd sections of an act to regulate proceedings in the district courts, approved May 13th, 1846, with an amendment, in which the Senate concurred.

A bill supplemental to an act to apportion the State of Texas, and to regulate the election of members of Congress. Read first time, rule suspended, read second time.

Mr. Erath offered the following amendment:

That the 2nd section of the act to which this is a supplement shall hereafter read as follows:

"That an election shall be ordered to be held on the 1st Monday of August 1861, and every two years thereafter for Representatives in Congress from each of said Districts and the returns from each county shall be made by the Chief Justice thereof to the Secretary of State, within forty days after said election, who shall open and compare the same and report the result to the Governor, who shall give the person having the highest number votes in each district a certificate of election, provided that if the Congress of the Confederate States shall fix another day for the election, then the election shall be held upon the day so fixed." Adopted; bill passed to a third reading; rule suspended, read third time and passed.

House requested the return of a bill relative to Deaf and Dumb and Blind Asylums. Request granted and Secretary instructed to return the bill.

Mr. Stockdale, chairman of the committee on Enrolled Bills reported the following bills and resolutions:

A bill to authorize and require all forced sales of real estate, and negroes, and sales of real estate or negroes, made by executors and administrators in the county of Nueces, to be made at the front door of the La Ratama House in the city of Corpus Christi.

A bill in relation to the school fund, derivable from taxation, under the provisions of the 2nd section of the tenth article of the Constitution of the State.

A bill to apportion the State of Texas and regulate the election of members of Congress.

A joint resolution in relation to the establishment of an

Admiralty court for the State of Texas, at Galveston, and such other places in this State as commerce requires, correctly enrolled properly signed and this day presented to the Governor.

Mr. Herbert, chairman of the committee on Roads Bridges and Ferries, to whom was referred a bill to authorize the county courts of Nacogdoches, Navarro, Jackson, Colorado, Calhoun, El Paso, Jasper, Newton, Dallas, Atascoso, Fort Bend, Fannin and Madison, *et al* counties, to regulate the pay of Sheriffs therein in certain cases, reported the same to the Senate, and recommended that it be referred to the committee on the Judiciary.

Mr. Potter, made the following report:

The Judiciary committee, have considered a bill without caption, proposing to create a licence tax of three thousand dollars per month on every person who shall hereafter acquire or purchase the exclusive right of shipping beef cattle from the coast of Texas upon any steam ship or other vessel, &c.

The object of the bill appears to be to prevent persons from chartering steam boats or other vessels engaged in the Texas trade, for the purpose of shipping stock from the State. The committee can see no good reason for the proposed legislation as a matter of propriety or expediency, nor why the legislature should attempt to intervene in matters of contract of this kind when so many of our people are interested; certainly it would not be wise to prohibit the shipment of stock from our State at this time, and if not, the trade should be left open to be carried on by every person as may be most beneficial to him. I am therefore directed by the committee to return the bill to the Senate and recommend that it do not pass.

On motion the Senate adjourned till 3 o'clock, P. M.

---

3 o'Clock, P. M.

Senate met—quorum present.

Mr. Neal introduced a bill to incorporate the Star State Telegraph Company. Read first time; rule suspended, read second time and referred to committee on State Affairs.

A bill to authorize and require public sales in the county of Hays, to be made upon the public square in the town of San Marcos. Read first time; rule suspended, read second time.

Mr. Stockdale offered the following amendment:

Insert after "made" in second line the words "at the court house door." Adopted and bill passed to third reading; rule further suspended, read third time and passed.

Mr. Whaley introduced a bill for the relief of John A. Cummings. Read first time; rule suspended read second time, and ordered to be engrossed; rule further suspended read third time and passed.

A bill to incorporate the Arizona Mining and Transportation Company was taken up.

On motion of Mr. Neal, read second time and ordered to be engrossed; Rule suspended, read third time and passed, on call of the yeas and nays, unanimously.

A bill to provide for the payment of the current expenses of the Revenue Cutter Dodge. Read second time, substitute of committee on Finance, adopted, and ordered to be engrossed; rule suspended, read third time and passed.

A message was received from the House informing the Senate, that the House refused to concur in the Senate amendments to House bill amending the Tax laws, whereupon the Senate adhered to their amendments by the following vote :

YEAS—Messrs. Dulaney, Erath, Guinn, Lott, Miller, Neal, Parsons, Potter, Scarborough, Schleicher, Shepard, Stockdale and Throckmorton—14.

NAYS—Messrs. Chambers, Duggan, Fall, Grimes, Herbert, Pitts, Walker and Whaley—8.

And appointed Messrs. Throckmorton, Potter and Duggan, a committee of Conference.

House adopts Senate's substitute for House bill donating land to Cynthia Ann Parker, and agrees to Senate's amendment to supplemental act to apportionment bill.

A bill to appoint two Commissioners to examine into the affairs of the Central Railroad and to report to the Governor.

A bill to authorize and require public sales in the county of Hays, to be made on the public square in San Marcos, and to a bill granting a pension to Cynthia Ann Parker.

A bill to provide for the payment of the Treasury warrants issued to William Fitzhugh.

A bill providing for a change of venue in the case of the State of Texas, vs. Albert G. Walker, now pending in the District Court of Tarrant county.

A bill to amend an act entitled an act to incorporate the Columbus Tap Railway Company, approved 2nd February, 1860.

A bill for the relief of Thomas H. Duggan.

A bill for the relief of John A. Cummings, and

A bill to incorporate the Texas Baptist University.

A bill to authorize the Governor to extend the time of payment of interest arising on loans to Railroad Companies. Read second time.

Mr. Walker moved to amend by striking out the caption and inserting the following:

"A bill to be entitled an act for the benefit of certain Railroad Companies at the expense of the State."

Mr. Guinn moved the indefinite postponement of the bill and amendment.

The motion of Mr. Guinn being withdrawn, Mr. Blanch offered the following amendment:

"Sec. 2. In case of failure by any Railroad Company to pay the interest that may become due, then any company making such failure shall pay ten per cent interest on the amounts of interest which may be due from such company until paid in conformity with the 1st section of this act and nothing contained in this act shall be so construed as extend the times of payment of interest that may hereafter fall due."

Mr. Stockdale renewed the motion to indefinitely postpone the whole subject, upon which the yeas and nays stood thus:

YEAS—Messrs. Chambers, Duggan, Dulaney, Fall, Gentry, Grimes, Guinn, Harmon, Lott, Martin, Miller, Neal, Parsons, Pitts, Potter, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Walker and Whaley—22.

NAYS—Messrs. Blanch, Erath, Herbert and Hyde—4.

Mr. Shepard, chairman of the committee on State Affairs, to whom was referred a bill to incorporate the Star State Telegraph Company, reported the same with the following amendment and recommended its passage:

Amend by striking out sections 11, 12 and 13.

On motion the bill was taken up. Report adopted and bill ordered to be engrossed; rule suspended read third time and passed by the following vote:

YEAS—Messrs. Chambers, Duggan, Erath, Fall, Grimes, Guinn, Harmon, Herbert, Hyde, Lott, Martin, Miller, Neal, Parsons, Pitts, Potter, Schleicher, Shepard Stockdale, Throckmorton, Walker and Whaley—22.

NAYS—Mr. Dulaney—1.

A bill making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the adjourned session of the 8th Legislature. Read second time.

Mr. Miller moved to strike out all in relation to mileage, which motion was lost by the following vote:

YEAS.—Messrs. Blanch, Harmon, Herbert, Miller, Potter, Shepard, Stockdale and Walker—8.

NAYS—Messrs. Chambers, Dulaney, Erath, Fall, Gentry, Grimes, Guinn, Hyde, Lott, Martin, Neal, Parsons, Pitts, Schleicher, Throckmorton and Whaley—16.

The bill then passed to a third reading; rule suspended, read third time and passed.

On motion the Senate adjourned until  $7\frac{1}{2}$  o'clock, P. M.

$7\frac{1}{2}$  o'CLOCK, P. M.

Senate met—roll called—quorum present.

A bill to amend the 4, 6, 7, 8 and 10 sections of an act passed February 13th, 1858, entitled an act amendatory of an act regulating juries, approved 4th May, 1840. Read second time.

Mr. Potter moved to strike out the last clause, which makes the bill take effect from its passage. Carried, bill ordered to be engrossed; rule suspended, read third time and passed.

Mr. Gentry moved to reconsider the vote passing a bill appropriating means to pay the mileage and per diem of the present session. Carried, and the bill was made the order for Monday morning next.

The resolution of the House to adjourn *sine die* on Monday next, was taken up and on motion of Mr. Potter, amended by striking out "Monday the 8th, 10 o'clock," and inserting "Tuesday the 9th at  $7\frac{1}{2}$  o'clock." The resolution was then adopted.

A message was received from the House, that the House had passed Senates bill to incorporate the Houston Cotton Press Company, and

The bill to establish certain regulations for the management of the Lunatic, Deaf and Dumb and Blind Asylums with an amendment, which was concurred in.

Mr. Hyde offered the following resolution:

*Resolved*, That the Secretary of the Senate be continued in office for twenty days after the adjournment of the present session of the Legislature at \$5 00 per day for the purpose of indexing the journals of the Senate and filing the papers of the same, to be paid out of the contingent fund of the Senate. Adopted.

A bill to authorize the county courts of Nogdoches, Navarro, Jackson and other counties to regulate the pay of Sheriffs therein in certain cases, was taken up, and the report of the committee on Roads, Bridges and Ferries, recommending the reference of the bill to the Judiciary committee was laid on the table, on motion of Mr. Gentry, the bill was then passed to a third reading.

Mr. Quinn moved to amend by striking out "\$200", and inserting "\$100."

Mr. Grimes moved to indefinitely postpone the bill; upon which the yeas and nays stood thus:

YEAS—Messrs. Chambers, Grimes, Guinn, Harmon, Neal, Potter, Stockdale, Throckmorton, Walker and Whaley—10.

NAYS—Messrs. Blanch, Dulaney, Erath, Fall, Gentry, Herbert, Hyde, Lott, Martin, Miller, Parsons, Pitts, Scarborough, Schleicher, and Shepard—15.

Mr. Pitts moved to lay the amendment on the table; upon which the yeas and nays were:

YEAS—Messrs. Blanch, Dulaney, Fall, Gentry, Hyde, Martin, Parsons, Pitts, Scarborough, Shepard and Stockdale—11.

NAYS—Messrs. Chambers, Erath, Grimes, Guinn, Harmon, Herbert, Lott, Neal, Potter, Schleicher, Throckmorton and Walker—13.

The yeas and nays were then taken on the adoption of the amendment, and stood thus:

YEAS—Messrs. Erath, Grimes, Guinn, Harmon, Herbert, Hyde, Miller, Neal, Potter, Scarborough, Stockdale, Throckmorton and Walker—13.

NAYS—Messrs. Blanch, Chambers, Dulaney, Fall, Gentry, Lott, Martin Parsons, Pitts, Schleicher and Shepard—11.

Lost; two-thirds not voting in the affirmative.

Mr. Shepard moved to reconsider the vote which passed the bill to a third reading. Carried, by the following vote:

YEAS—Messrs. Erath, Fall, Grimes, Guinn, Harmon, Herbert, Hyde, Miller, Potter, Shepard, Stockdale, Throckmorton, Walker and Whaley—13.

NAYS—Messrs. Blanch, Chambers, Dulaney, Gentry, Martin, Miller, Neal, Parsons, Pitts, Scarborough and Schleicher—11.

The question recurring on the adoption of the amendment, was put and lost by the following vote:

YEAS—Messrs. Erath, Fall, Grimes, Guinn, Harmon, Herbert, Miller, Neal, Potter, Stockdale, Throckmorton and Walker—12.

NAYS—Messrs. Blanch, Chambers, Dulaney, Gentry, Hyde, Lott, Martin, Parsons, Pitts, Scarborough, Schleicher and Shepard—12.

Mr. Herbert moved to add the county of Fayette.

Mr. Throckmorton moved to amend so as to make the provisions of the bill applicable to all the counties in the State, by way of substitute for Mr. Herbert's amendment.

Mr. Blanch moved to lay the substitute on the table. Carried. The question was then taken on Mr. Herbert's amendment, and carried; whereupon,

Mr. Blanch moved the previous question, which was ordered. The bill then passed to a third reading. Rule suspended, read third time, and passed.

A bill requiring the Commissioner of the General Land Office to issue patents upon surveys heretofore made not in the form required by law. Read second time, and ordered to be engrossed.

A bill to regulate Ferries. Read second time, and ordered to be engrossed. Rule suspended, read third time, and passed.

A bill providing for the disposition of Runaway Slaves. Read and passed to a third reading. Rule suspended, read third time, and passed.

Mr. Potter introduced a bill to provide for printing the Journals of the Convention. Read first time. Rule suspended. Read second time, and ordered to be engrossed.

Mr. Shepard moved to strike out "600 copies", and insert "1000 copies."

Mr. Herbert moved to lay on the table. Carried. Rule suspended. Bill read third time, and passed.

A message was received from the House, informing the Senate of the passage of a joint resolution concerning foundries in Texas. Read first time. Rule suspended, read second time, and passed to a third reading; rule further suspended, read third time and passed.

Mr. Throckmorton offered the following resolution:

*"Resolved*, That the secretary of the Senate pay out of the contingent fund of the Senate the sum of \$250, to be placed in the hands of the Senator from Nueces, to pay the physicians' bills and funeral expenses of the late General Forbes Britton."

Adopted.

A Joint Resolution for co-operation with the Confederate States. Laid on the table.

The report of the committee on State Affairs, on the petition of sundry citizens of Tyler county relative to sheriffs, recommending its indefinite postponement, was adopted.

A bill prescribing the duties and obligations, in certain cases, of Commission Merchants, Factors and others, on report of committee on State Affairs, recommending its rejection. Report adopted.

A bill for the relief of the Commissioner of the Boundary Survey was rejected on the report of the committee on State Affairs.

The report of committee on State Affairs, on a Resolution repealing a Resolution in relation to private business, recommending that it be laid on the table, was adopted.

The report of the Judiciary committee, asking to be discharged from further consideration of a resolution proposing Amendments to the seventh article of the Constitution, was adopted.

The report of the committee on Private Land Claims on the petition of Charles Linney and James Adams, was laid on the table.

A bill for the relief of certain persons therein named. Read second time.

Mr. Walker moved to amend by adding the names of John Brown, and Mrs. Sherman of Parker county. Adopted.

Mr. Erath moved to amend by adding the following: Pierce, of Coryell county; Johnson, of Brown; Baggett, of Comanche; Lemsley, of Erath; Bean, killed in Bosque; Rentfrow, of Bosque; Riggs, of Bell; Ben Van Hock, of Lampasss, and all other persons whose parents, husbands, or wives, have been killed or wounded by the Indians. Adopted. The bill was then laid on the table.

The Senate refused to concur in the amendment of the House to a bill to refund the expenses, and to pay S P. Hollingsworth and Captain Jno. G. Todd for certain services.

Mr. Stockdale, from the committee on Internal Improvements, reported a House bill supplementary to an act to provide for the investment of the special school fund in the bonds of Railroad Companies, and a Senate bill of like import, and recommended that they do not pass.

Mr. Miller, chairman of the Finance committee, reported, that it was unnecessary to act upon the following matters, referred to that committee:

A bill to authorize the Treasurer to pay out the several sums of money appropriated to supply deficiencies in former appropriations, etc.

A bill authorizing the sale of State bonds, etc., and a resolution in relation to officers, etc.

Also, a bill authorizing the sale of Austin City Lots, etc., recommending its indefinite postponement.

Mr. Potter, chairman of the Judiciary committee, returned the following subjects matter, to that committee referred, and asked that they be severally laid on the table:

Memorial of Jno. C. Miller and others.

Memorial of Pryor Lea, concerning extradition.

Bill providing for transfer of all records, etc., from the United States Courts to the State Courts.

Bill concerning maritime jurisdiction.

Bill in relation to judgment liens.

Bill to amend act to Incorporate Town of Mount Pleasant, in Titus county.

Bill to create the Twenty-first Judicial District.

Bill relative to Insurance Companies and Agencies.

Bill relative to a District Attorney for the county of Smith.

Mr. Throckmorton made the following report:

The joint committee on the Reduction of Expenditures, would report, that the several bills heretofore reported by them, if passed, will save the State over \$25,000, and if the reforms suggested in the several asylums are carried out, there will be an additional saving of several thousand dollars.

The committee regret that the limited time allowed has precluded their instituting a thorough reformation in many other departments which, in the present embarrassed condition of the finances, is absolutely demanded. Much labor and careful study has been bestowed by the committee on the subject of an entire reorganization of the judicial districts of the State. This is a reform, of all others, which seriously demands the attention of the Legislature; and the hope is entertained that the next Legislature will at once arrest an evil of such magnitude, and promptly relieve the treasury of the heavy burden which the present extravagant judicial district system has fastened upon it.

Five of the districts can be dispensed with, and the labor of each judge equalized to about thirty-two or thirty-four weeks, annually. As it now is, some judges work as high as forty-two weeks, and others have but little labor to perform.

In proposing the reduction of salaries, the committee have been prompted by a strict sense of duty. A number of the committee believe that we have fallen short of what should have been done in this regard. The salaries of all the officers of the State Government are liberal. It has been but a few years since they were increased; but it was at a time when the treasury was overflowing, when the State taxes were relinquished to the counties, and the rate of taxation reduced. Now our condition is very different. We are in debt, and preparing to obtain a loan of one million of dollars. In this we may not succeed as we desire. But whether we succeed or not, the taxes necessarily must be increased. Therefore we should do whatever we can to reduce the expenses of the government, so far as it can be done without detriment to the public interest.

Your committee have not had time to perfect but little of what is really demanded of the Legislature, and we can only hope that the next Legislature will do that which the limited

time of the session, and our many pressing engagements, have precluded us from doing. Respectfully submitted.

J. W. THROCKMORTON,

*Chairman on part of Senate.*

H. D. REDWINE,

*Chairman on part of the House.*

Mr. Throckmorton addressed the Senate as follows :

MR. PRESIDENT : I arise to announce the death of the Hon. Sam Bogart, late a member of the House of Representatives, and for many years a member of one branch or the other of the Legislature of this State.

The deceased was known to most of the members of this body, and to many of them, intimately.

Major Bogart was no common man. In many of the attributes which enoble the human heart and dignify the human mind, he had few superiors among his compeers. None who knew him will ever forget his devotion to principle, or the tenacity with which he adhered to whatever he conceived to be right. He was a native of Tennessee. At an early age he enlisted in the service of his country, and was under General Jackson at New Orleans. He was in the engagement on the night of the 23d of December, and was one of the noble band of men who won imperishable renown for the American arms in the memorable achievement of the eighth of January. I have heard him describe the scenes of that eventful day, and the impressions made upon my mind by his simple, yet forcible description of the terrible grandeur of that bloody field of carnage, of suffering and heroism were far more vivid and impressive than any thing I have met with in the studied pages of history. I have not the material that will enable me to give any thing like a correct history of the chequered career of the deceased. I have known him intimately and well for twelve years. His will was of the most determined and iron character. When his mind was once made up it was rarely ever changed. In my humble judgement in the characteristics of courage, energy, firmness and a determined will no man ever more nearly approached the character of General Jackson than did the deceased. His attachment to friends was strong and unchanging, and his dislikes were hard to overcome, but when his forgiveness was once obtained, it was frank and cordial. The combined powers of earth could not drive or intimidate him. He would have suffered death rather than yield to threats, force or dictation. Yet he was easily controlled by those in whose judgment and integrity he had confidence. His patriotism was of the loftiest char-

acter, and his love of country was ardent and sincere. In politics, he was in the most enlarged sense of the term, a Jackson Democrat. His age and enfeebled health did not permit him to enter into the excitement which has so recently swept over the country.

In justice to the memory of my deceased friend, I take this occasion to say that he was fully impressed with the conviction that the recent movement of secession in the Southern States was calculated to do much harm to our whole country, and especially to our own section. No one surpassed him in devotion to the South, and to her peculiar institutions. Yet his heart was large enough to embrace every section of our wide extended land. He condemned in the strongest manner the aggressions of the Republican party, and was fully impressed as to the necessity of resistance to those aggressions by the people of the South. But sir, he believed the best interest of the South required that resistance should be made in such a manner as would command the attention and respect of every true patriot in the land. He believed there should be such unity of action on the part of the Southern States as would convince the cohorts of Black Republicanism that we were in earnest, and that a united South was determined at once and forever to put an end to their encroachments. But I will not detain the Senate by farther stating the reasons why the deceased patriot did not coincide in opinion with the great mass of the people of Texas upon the question of secession. I have made these allusions to vindicate the memory of the deceased from an unworthy charge, made by persons who know nothing of his opinions, that he was not true to the section that gave him birth, and that he was for making an armed resistance to the will of the people. Sir, while this miserable falsehood was burning blistering upon the lips that uttered it, and whilst it was going the rounds of an unscrupulous press, the care worn patriot and soldier who had been in the service of his country for more than forty years, and who had shared in the glories of many a hard fought battle field, was lingering on the bed of death; and while this vile slander was being repeated, by men who had not been in Texas long enough to shake the dust of freesoil from their unhallowed feet, the dying patriot was offering up prayers to Him who rules the destinies of nations, interceding for his distracted country. Sir, I sat by the side of that couch of death, but a few hours before I started on my return to this place, and as I held the hand of the noble old man for the last time, he invoked the choesest blessings of Heaven for his country, and

prayed that the bleeding wounds that were exhausting the life blood of the nation might be healed. And, sir, as he gave me his blessing, and urged me to remain firm in defense of the rights and liberties of the people ; he requested that I should do no act which would engender heart burnings and bitterness among our own people. I would to God, that every true patriot in the State could have witnessed that scene, and felt the solemnity of that hour. Its impressiveness will forever linger in the chambers of my memory, and the fervent admonitions of the dying patriarch shall be cherished in my heart while life lasts, as an incentive to the loftiest patriotism, and loyalty to the truest interests of my country.

Mr. President, since our adjournment here a few weeks since, the destroyer Death, has selected as a victim one of our own body ; one too, who occupied a warm place in the hearts of all who knew him. The Senate has already paid the last tribute of respect to his memory, and I would not now recur to so melancholy a subject, were it not that when the resolutions in regard to the death of our brother, were adopted, I was wholly incapable of giving utterance to my feelings. I have no language sufficient to express the affection I feel for my friend, or, to adequately express the admiration I entertained for the many rare qualities of his head and heart.

Forbes Britton was my truest and best friend. I entertained for him the strongest feeling of attachment and affection. I loved him for his manliness, his great social qualities, his noble impulses and generous nature. I know I but speak the sentiment of every member, when I say that he was the general favorite of this body. No eulogy that I can pronounce would add a single wreath to his well earned reputation as a soldier, patriot and citizen. His like, in all respects, we will never see again. His manly voice will no more be heard by his friends—never again will his earnest pleading in behalf of a suffering frontier be heard in these halls. The gallant soldier, the sincere friend, the brave kind-hearted Britton sleeps the sleep of death!

Mr. President, the soldierly form of noble Britton, and the care-worn body of the patriot Bogart, rest beneath the sods of the valley. They were taken from our midst at a time when the country most needed their services. May I not trust that the death of those whom we mourn will serve as an admonition to each one of us to be prepared for the dread ordeal through which, sooner or later, we must pass. May the God of the widow and of the fatherless, comfort the bereaved and afflicted families of our deceased friends and vouchsafe to them the rarest gifts

and choicest blessings of Heaven. I move the adoption of the resolutions which I send to the Secretary.

1. *Resolved*, That the Senate has learned with profound regret, the death of the Hon. Sam Bogart, a Representative from the county of Collin, and formerly a member of this body.

2. That in the death of Major Bogart the State has lost one of its most experineced and able public servants, and his constituency a most faithful and devoted Representative.

3. That the members of the Senate tender their sympathies to the family of the deceased in their bereavement; and that as a further mark of esteem for the memory of their late associate, they will wear the usual badge of mourning for thirty days.

4. That the Secretary of the Senate transmit a copy of these resolutions to the widow of the deceased.

Mr. Lott, in seconding the resolutions, offered a few brief and appropriate remarks, after which the resolutions were unanimously adopted and the Senate adjourned until Monday morning at 10 o'clock.

---

MONDAY, April 8, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Duggan, Chairman of the committee on County Boundaries, to whom was referred a bill to define the boundaries of the county of McMullen, reported the same to the Senate and asked to be discharged from consideration of the same, for want of time.

Mr. Stockdale, Chairman of the committee on Enrolled Bills, reported the following bills:

A bill to amend the act supplemental to an act to regulate estrays.

A bill supplemental to an act making appropriations for the *per diem* pay and mileage of the members and officers of the Convention.

A bill to provide for the redemption of the Treasury warrants issued to William Fitzhugh.

A bill prescribing the manner of authenticating instruments of record.

A bill to authorize a loan and imposing a special tax to meet the principal and interest thereof, under the provisions of thirty-

third section of the seventh article of the Constitution of the State.

A bill for the relief of Charles Ganahl.

A bill supplemental to and amendatory of the act creating the county of Kaufman, approved Feb. 26, 1848.

Joint resolution for the turning over the property now in the State (lately taken from the United States Government,) to the Confederate States Government.

A bill to encourage the establishment of Manufactories in the State of Texas.

Joint resolution concerning Brigadier Gen. David E. Twiggs.

A bill granting a pension to Cynthia Ann Parker, correctly enrolled, properly signed, and this day presented to the Governor.

Mr. Walker, Chairman of the committee on Public Lands, to whom was referred a bill granting pre-emption privileges on the reservation lands belonging to the State of Texas, to certain persons therein named, and the following reports:

A majority of the committee have instructed me to report the bill back to the Senate and to recommend its rejection.

The undersigned, a minority of the Public Land committee, having arrived at different conclusions from the majority in relation to the bill granting pre-emption privileges on the reservation lands belonging to the State of Texas, to certain persons therein named, beg leave to report that they are clearly of opinion that the bill is meritorious and ought to pass and become a law. The undersigned can see no good reason for allowing pre-emption privileges on the other public domain of the State, and not on the lands mentioned in the bill, but to them very strong and conclusive reasons why it should be done. Among the many good reasons that might be adduced in favor of the measure proposed by the bill. The undersigned will only mention the following, deeming them sufficient and conclusive, to-wit: It would not only enable many good and industrious citizens of Texas to buy homes for themselves and families, but it would, to some extent at least, prevent the lands mentioned in the bill from being monopolized by wealthy companies, to the great injury of the State, and contrary to the spirit, if not the very letter, of the Constitution. The bill under consideration does not propose the donation of the land, nor does it propose a reduction of the price now fixed by law on the same. It only proposes to give a pre-emption right to the actual settler therein for the term of three years from the commencement of the settlement on the same, by paying taxes on the same, and to the end of said term to pay one dollar and twenty-five cents per

acre for the land. The objections heretofore so forcibly urged against the passage of donation and pre-emption bills, that it would invite and induce Abolitionists from the free States, to come and settle in this, cannot be urged against the passage of the bill now under consideration, because no one, not now a citizen of Texas, can avail himself of its benefits, should it become a law. Again, what is known in that region as the sixteen mile belt, passing through the densely settled portion of Collin, Denton, Tarrant, Parker and other counties, there are many sections and fractions of sections, now held in reservation by the State, and in the possession of settlers residing therein, cultivating the same, &c. Many other good and industrious citizens of Texas would also settle on said land, and make lasting and valuable improvements thereon, were they authorized by law to do so, and thus not only add to the value of the land and the wealth of the State, but increase the revenue by paying taxes on the land, as well as their other property. Besides, the policy proposed in the bill would at once settle and quiet the question of title to all the reservation lands occupied and settled upon as aforesaid. It would also cause the country through which railroads are designed to be constructed, to be densely settled in a comparatively short time, and until the country is thus settled, in the opinion of the undersigned, no roads will ever be built, for they are never constructed in and through a wild nor through a sparsely settled country.

The undersigned are clearly of the opinion, that to defeat the passage of the bill, would be detrimental to the settlement of the country, and injurious to the best interests of the State. Besides, in the opinion of the undersigned, Texas should never deny to her own citizens, the privilege of settling upon and cultivating her public domain, and especially when they will have to pay for the same three years after settlement, at one dollar and twenty-five cents per acre, together with the taxes on the same. The highest price asked for any of the lands of the State. What justice can be done the State, by a law of this kind? We answer none whatever! On the contrary, the best interest of the State will be advanced thereby. The sparsely populated portions of the country will be settled in a comparatively short time. The receipts in the Treasury largely increased, and portions of the frontier, now so thinly populated as to be able to offer no resistance to the incursions of the Indians, would soon be in a condition to protect themselves. For the reasons before given, the undersigned would most respectfully

ask the rejection of the report of the majority, and the passage of the bill.

A. G. WALKER,  
J. W. THROCKMORTON,  
E. E. LOTT,  
G. SCHLEICHER.

Mr. Potter offered the following resolution:

*Resolved*, That the Secretary of State, be authorized to transmit by mail to the members of the Senate and of the Convention, respectively, in due proportion, the documents printed by order of said bodies not delivered prior to the adjournment, and that the postage on the same be paid out of the contingent fund of the Senate, on the order of the Secretary of State. Adopted.

Mr. Stockdale, Chairman of the committee on Enrolled Bills, reported a bill providing for a change of venue in the case of the State of Texas vs. Albert G. Walker, now pending in the District Court of Tarrant county.

A bill to establish certain regulations for the management of the Lunatic, Deaf and Dumb and Blind Asylums.

A bill to incorporate the Houston Cotton Press Company.

A bill for the relief of Thos. H. Duggan.

A bill to incorporate the Texas Baptist College.

A bill to amend an act to incorporate the Columbus Tap Railroad Company, approved 2nd Feb. 1860.

A bill donating land to Cynthia Ann Parker.

A bill for the relief of John A. Cummings.

A bill to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the District Courts, approved May 13, 1846.

Joint resolution authorizing the Governor to appoint two Commissioners, to examine into the affairs of the Central Railroad, and report to him.

A bill supplemental to an act to apportion the State of Texas, and to regulate the election of members of Congress.

A bill to authorize and require public sales in the county of Hays, to be made on the public square, in the town of San Marcos.

A bill making an appropriation for the mileage and *per diem* pay of the members and the *per diem* pay of the officers of the adjourned session of the eighth Legislature, being the special order, was read third time and passed.

A bill requiring the Commissioner of the General Land Office, to issue patents upon surveys made not in the form required by law. Read third time and passed.

A message was received from the House, that the House had passed Senate's bills to incorporate the Star State Telegraph Company.

Bill to incorporate the Galveston and Houston Junction Railroad Company, with an amendment, in which the Senate concurred by the following vote:

YEAS—Messrs. Chambers, Duggan, Dulaney, Erath, Fall, Grimes, Guinn, Harmon, Herbert, Lott, Martin, Miller, Neal, Parsons, Potter, Scarborough, Schleicher, Stockdale, Throckmorton and Walker—20.

NAYS—Messrs. Gentry, Pitts and Whaley—3.

And a bill concerning the corporation of the town of Crockett, with an amendment, in which the Senate concurred.

And a bill concerning the Alamo Ditch. Read first time.

Rule suspended, read second time and passed to a third reading.

Rule further suspended, read third time and passed.

A message from the House informing the Senate that the House had passed the following bills:

House bill to prohibit the sale of intoxicating liquors within three miles of Baylor University. Read first time.

Rule suspended, read second time and passed to third reading.

Rule further suspended, read third time and passed.

And the following Senate bills:

Bill to authorize and require Commissioner of the General Land Office, to patent surveys out of the regular order.

Joint resolution suspending the Geological survey, with amendment in which the Senate refuse to concur.

Bill to regulate the salaries of certain State officers and clerks therein named, &c., with amendment. The Senate concurred in the amendment.

Bill providing means for the payment of certain debts created by authority of the late Convention.

Bill to amend the act of March 15, 1848, relative to the election of electors for President and Vice President of the United States, &c.

And that House had adopted report of committee of conference on the bill amending the tax law.

Mr Duggan, chairman of committee of conference on part of the Senate on the disagreement of the two Houses, on the bill amending the tax laws, reported that the Senate recede from its amendments to first and second sections, and that the House accede to the amendments of the Senate to first section of the House bill. Adopted.

Mr. Erath offered the following resolution :

*Resolved*, That the Senate tender to the Hon. Jesse Grimes, late President *pro tem.* of the Senate, their highest regard and esteem, for the impartial manner in performing the duties of presiding officer. His connection with the history of Texas, as one of her oldest and earliest pioneers, an efficient member of her councils, without intermission, from the revolution of 1835, to the present day, through the late important changes in government, ever ready to acquiesce in the will of a majority of our own soil, still ready at an advanced age, to participate in the service of his country, entitles him to the veneration of all American freeman. Adopted unanimously.

Mr. Potter introduced a bill to amend the act of March 15, 1848, to provide for the election of electors for President and Vice President of the United States, and to repeal the eighth section of said act. Read first time.

Rule suspended, read second time and ordered to be engrossed.

Rule further suspended, read third time and passed.

Mr. Blanch introduced a joint resolution, recognizing as the organic law, the ordinances of the Convention of an organic character. Read first time.

Rule suspended, read second time and ordered to be engrossed.

Rule further suspended, read third time and passed.

Mr. Harmon introduced a bill for the relief of William Eu-banks, assignee of Simon Clements. Read first time.

Rule suspended, read secord time and ordered to be engrossed.

Rule further suspended, read third time and passed.

Mr. Herbert moved to reconsider the vote which passed the bill authorizing certain counties to regulate the pay of Sheriffs. Carried.

Mr. Herbert then moved to reconsider the vote, which put the bill on its third reading. Carried.

The vote adopting Mr. Herbert's amendment, adding the county of Fayette to the bill, was then reconsidered.

Mr. Herbert then, by leave of the Senate, withdrew the amendment.

The bill was then passed to a third reading, and

Rule suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Chambers, Dulaney, Fall, Gentry, Herbert, Hyde, Lott, Martin, Miller, Neal, Parsons, Pitts, Scarborough, Schleicher, Shepard and Stockdale—16.

NAYS—Messrs. Erath, Grimes, Guinn, Harmon, Potter, Throckmorton and Whaley—8.

A message was received from the House, that the House had passed the following bills :

Bill to enable J. H. Saunders, the guardian of Webster J. Saunders, to remove the property of his ward from the State of Texas.

Bill to amend act to amend act to organize Justices' Courts, &c.

On motion the Senate adjourned until 3 o'clock, P. M.

---

3 o'CLOCK, P. M.

A message was received from the House, informing the Senate that the House had passed the following bills originating in the Senate :

A bill making an appropriation for the subsistence and transportation of supplies for the regiment ordered to be raised by an Ordinance of the Convention.

A bill legalizing the certificate of Jacob Laux.

A bill for the relief of Wm. Eubanks, assignee of Simon Clemens, and that the

House had receded from their amendment to joint resolution, suspending the Geological survey, and that the

House had passed a bill to amend the 19th section of an act to provide for the assessment and collection of taxes, approved Feb., 11, 1850, and

A bill making appropriation to supply deficiencies for the year 1861, originating in the House, which was taken up. Read first time.

Rule suspended, read second time and passed to a third reading.

Rule further suspended, read third time and passed.

A bill to provide for the assessment and collection of taxes, approved Feb., 11, 1850. Read first time.

Rule suspended, read second time and passed to a third reading.

Rule further suspended, read third time and passed.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported the following bills and resolutions :

A bill to incorporate the Star Telegraph Company.

A bill concerning the corporation of the town of Crockett.

A bill making an appropriation for the mileage and per diem

pay of the members and the per diem pay of the officers of the adjourned session of the eighth Legislature.

A bill providing means for the payment of certain debts created by authority of the Convention of the people of Texas.

A bill to incorporate the Galveston and Houston Junction Railroad.

An act to amend the act of March 13, 1848, entitled an act to provide for the election of electors for President and Vice President of the United States, and to repeal the eighth section of said act.

An act making an appropriation for the subsistence and transportation of supplies for the regiment ordered to be raised by the Ordinance passed by the Convention.

A bill for the relief of William Eubanks, assignee of Simeon Clemons.

A bill legalizing the certificate of Jacob Laux.

A bill to regulate the salaries of certain officers and clerks therein named, and to reduce the number of clerkships in the Comptroller's office, and to arrange the same, and to abolish the allowance for contingent fund.

Joint resolution suspending the Geological survey.

A bill to prohibit sales of intoxicating liquors within three miles of Baylor University.

A bill providing for the disposition of run-away slaves.

Joint resolution concerning iron foundaries in the State of Texas.

On motion the Senate adjourned till half past seven o'clock, P. M.

7½ o'CLOCK, P. M.

Senate met pursuant to adjournment—quorum present.

A message was received from the House, that the House concurs in the amendment of the Senate to the resolution to adjourn *sine die*.

Mr. Hyde offered the following resolution :

*Resolved*, That the enrolling clerk and the assistant secretaries of the Senate, are hereby authorized to, and shall receive a compensation of five dollars per day for their services in performing the duties of engrossing clerk, during the present session, said compensation to be paid out of the contingent fund of this House, and to be equally divided among the said parties.  
Adopted.

Mr. Duggan moved that a committee of three be appointed to wait upon the Governor, and inform him that the two Houses of the Legislature were about to adjourn *sine die*, and to know if he had any other communication to make.

Messrs. Duggan, Erath and Lott were appointed said committee, who retired, and after a short time, reported duty performed and that the Governor had no further communications for the Legislature.

Mr. Hyde offered the following resolution :

*Resolved*, That the Secretary of the Senate, be and he is hereby required to issue to Senator Pitts, and all other Senators, certificates for their per diem from the commencement of the present adjourned session of the Legislature. Adopted.

Hr. Harmon offered the following resolution :

*Resolved*, That the thanks of the Senate are cordially tendered to the Hon. R. H. Guinn, for the able and impartial manner in which he has presided over the deliberations of the Senate. Adopted.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported the following bills correctly enrolled, and presented to the Governor :

A bill to enable J. H. Saunders, the guardian of Webster J. Saunders, to remove the property of his ward from the State of Texas.

A bill to authorize and require the Commissioner of the General Land Office, to patent surveys out of their regular order.

A bill to amend an act entitled an act, to organize Justices' courts, and to define the powers and jurisdiction of the same, approved Feb., 7, 1861.

A bill concerning the Alamo Ditch.

A bill to amend an act entitled an act amendatory of the laws to raise revenue by taxation, approved Feb., 16, 1858.

On motion, Senate adjourned until 7 $\frac{1}{4}$  o'clock, A. M. to-morrow.

---

TUESDAY, April 9th, 7 $\frac{1}{4}$  OCLOCK, A. M.

Senate met—roll called. Prayer by the Chaplain—quorum present.

On motion, the Senate adjourned *sine die*.



## EXECUTIVE JOURNAL.

---

WEDNESDAY, March 20, 1861.

A message was received from the Governor, transmitting the following communications:

EXECUTIVE OFFICE,      }  
AUSTIN, March 19, 1861.      }

*Gentlemen of the Senate:*

I have appointed Bird Holland, of Travis county, Secretary of State, to which appointment I respectfully ask the advice and consent of the Senate.

EDWARD CLARK.

EXECUTIVE OFFICE,      }  
AUSTIN March 20, 1861.      }

*Gentlemen of the Senate:*

I submit, for your consideration and confirmation, the names of William T. Austin, John Dearo, Aaron Burns, Henry Parker, and Luke A. Falvel, for Commissioners of Pilots, at the port of Galveston.

EDWARD CLARK.

On motion of Mr. Quinn, the nomination of Mr. Holland taken up, and the same was unanimously confirmed.

On motion of Mr. Potter, the nominations for Commissioners of Pilots were taken up, and they were confirmed unanimously.

SATURDAY, March 30, 1861.

A message was received from the Governor, transmitting the following communication:

EXECUTIVE OFFICE,  
AUSTIN, March 28, 1861. {

*To the Honorable*

*The Senate of the State of Texas:*

I have made the following appointments of Notaries Public, in the counties severally named, to which I respectfully invite your advice and consent.

EDWARD CLARK.

FOR THE COUNTY OF—

Anderson—J. H. Henry, vice G. W. Furlow, resigned.

Bell—John W. Clark, vice Theo. A. Supple.

“ A. W. Cearnal, vice Harvey Smith.

“ J. H. Ledbetter, an original appointment.

Blanco—Charles A. Crosby, an original appointment.

Calhoun—Wm. H. Woodward, reappointed.

Collin—G. Y. McKinney, an original appointment.

Dallas—E. P. Nicholson, vice Samuel J. Jones.

Denton—Elijah Roger, an original appointment.

“ James Chisum, “ “ “

“ Calvin Copenhaven, “ “ “

Galveston—Edward T. Austin, vice A. F. James.

“ James P. Nash, vice A. D. Menard.

Guadalupe—Samuel N. Elliott, an original appointment.

“ C. Reich, “ “ “

“ Redding W. Morris, reappointed.

Henderson—H. F. Bridges, vice B. L. Pate.

Hill—Thomas J. Murray, vice J. P. Weir.

Houston—Wm. L. Moore, vice S. A. Miller.

Kaufman—James T. Rayel, an original appointment.

Lampasas—M. L. Cooksey, vice W. C. Wiseman.

“ Albert G. Lane, an original appointment.

“ Williamson Jones, “ “ “

La Vaca—H. R. McLean, vice C. Ballard.

Limestone—G. M. Sorrelle, vice J. B. Vallandingham.

“ Wm. M. Patrick, vice N. H. McDaniel.

“ M Belcher, vice Thos. C. Stevens.

Matagorda—Wm. H. Burkhart, an original appointment.

Navarro—Don Donaldson, vice J. C. C. Winch.

Newton—H. F. Wilson, an original appointment.

Nueces—J. C. Russell, “ “ “

Panola—B. B. Anderson “ “ “

Panola—Wm. F. Ball, an original appointment.  
 Refugio—David M. Hastings, reappointed.  
 Rusk—Samuel Thomas, vice L. P. Harris.  
 San Patricio—Samuel C. Villeyard, an original appointment.  
 " Thomas H. O'Callahan, " "  
 Sabine—Henry F. Goodloe, an original appointment.  
 Shelby—James W. Ballard, " "  
 Tarrant—Hiram Crowley, vice H. J. Fairly.  
 Travis—George R. Freeman, vice Peter B. Lowe.  
 Tyler—Matthew T. Perryman, vice Seymour White.  
 " Levi G. McGaughey, vice A. B. Pedigo.  
 Wharton—Joseph Deadrick, an original appointment.  
 Wise—S. S. Morris, " "  
 " A. B. Marshall " "

On motion of Mr. Potter, the nominations were made the order of the day for Tuesday next.

---

TUESDAY, April 2, 1861.

The foregoing nominations were unanimously confirmed.

---

THURSDAY, April 4, 1861.

A message was received from the Governor, transmitting the following communication:

EXECUTIVE OFFICE,  
 AUSTIN, April 4, 1861. }

To the Honorable Senate  
 Of the State of Texas:

I respectfully submit the following appointments of Notaries Public, to which I respectfully ask your advice and consent.

EDWARD CLARK.

FOR THE COUNTY OF

Angelina—J. W. Guinn, an original appointment  
 " W. W. Manning " "  
 Blanco—James S. Abbott " "  
 Cameron—S. E. Langdon, reappointed  
 Dallas—S. H. Fisher, vice Thomas Coats  
 " John Wilson, vice George M. Baird  
 " Hezekiah Lucas, an original appointment  
 El Paso—John D. Holliday, vice Bart J. DeWitt  
 " John Spencer, vice Leonard Pierce

## FOR THE COUNTY OF

El Paso—Patrick Murphy, vice J J Thibault

Falls—J Bennett, vice R W Scott

“ James McDonald, an original appointment

Hardin—Joseph N Dark “ “

“ N B Bendy “ “

“ J P Jordan “ “

Harris—Benjamin E Roper, vice Thos. Parmer

Houston—James R Bracken, an original appointment.

Nueces—Charles Lovenskiold

Travis—Ellison Saunders, vice M K Ryan

Trinity—Thomas J Samford, an original appointment

Washington—A J Sparks, vice Geo W Campbell

On motion of Mr. Potter, the foregoing nominations were laid on the table until the 5th instant.

EXECUTIVE OFFICE, {  
AUSTIN, April 4, 1861. }

To the Honorable Senate

Of the State of Texas:

I respectfully submit to you the following appointments of Notaries Public, made by my predecessor, and which require your confirmation.

EDWARD CLARK.

## FOR THE COUNTY OF

Angelina—Jo Herrington, an original appointment

“ Joel Hill “ “

“ John Stovall “ “

Austin—Samuel A Shelbourn, reappointed

“ D A Parker, an original appointment

Bastrop—Elias J Jones, reappointed

“ John D Railey, vice C C McGinnis

“ Adam Thomas, vice Geo. P. Shaw

Bexar—R J Jones, vice G Schleicher

“ E J Hewitt, vice G H Nelson

Brazoria—J T Shannon, vice R F Clement

“ James S Rogers, vice E D Nash

Bandera—August Klappenhbach, reappointed

Blanco—Edward Degener, an original appointment

Brown—S S Jackson “ “

Caldwell—Edward Baily, an original appointment

“ Wm Montgomery, vice B F Luce

Calhoun—Henry Beaumont, vice E Clegg

“ George R Finley, vice E Ker.

Cameron—Wm Stalsworth, vice Theo Delmas

## FOR THE COUNTY OF

- Cameron—Joseph R. Palmer, vice J Galvan  
 " Edward S Tilghman, vice Jos Klieber  
 Chambers—James P Magee, vice Thos Palmer  
 " James Armstrong, an original appointment  
 Cherokee—C F Jay, reappointed  
 " T T Gammage, vice M H Bonner  
 " Russell C Mitchell, vice V H Moody  
 Collin—D D Graham, vice Moses Jones, deceased  
 Colorado—Don F Payne, reappointed  
 " John D Gillmore, vice M Naive  
 " Stephen M Wells, vice J H Robson, deceased  
 Coryell—F W Fontleroy, vice J C Russell  
 " John H Chrisman, vice W H Priddy  
 " J M Perryman  
 Dallas—John Taylor, reappointed  
 Denton—Michael Maltsberger, vice P L Wade  
 " A Robinson  
 DeWitt—John C Terrell, vice J H Johnson  
 El Paso—Joseph Nangle, vice Charles H. Morrett  
 Ellis—William J Stokes, vice Wm Peel  
 Fannin—Sylvanus Howell, vice Thos. Ragsdale  
 " Samuel Day, vice A McClellan  
 " Stanhope Cox  
 Fayette—Robert Zapp, vice U Gregory  
 " U Gregory, vice W B Anderson  
 " James C Gaither, reappointed  
 Freestone—Joseph Lynn, "  
 Galveston—W T Austin, vice Wm P Griffiths  
 Grayson—George W Newcome, vice J H Clark  
 " John R Diamond, vice J G Reeves  
 Grimes—E D Bigler, vice John F Kennard  
 " W C Sheppard, vice U F Case  
 " Ben B Goodrich, jr  
 Guadalupe—S Wright, vice W P H Douglass  
 Harris—William Andus, reappointed  
 " Ang't C Daws, "  
 Harrison—George L Hill, vice E Cater, deceased  
 " C C Coppage, vice Wm R McAdams  
 " Wm Woodson, vice Wm H Watson  
 Hill—John T Eubank, an original appointment  
 Hunt—John D McCaurant vice Jno E Wilson  
 " John Landon vice Robert Hooker  
 " Wm B Lune vice J G Stevens

## FOR THE COUNTY OF

- Jackson—J W Allen, an original appointment  
 " T F Royster " "  
 " Wm M Varnell  
 Jack—W W O Stanfield  
 Jasper—John Frazer, reappointed  
 Jefferson—Otis M Gaffey, reappointed  
 " John W Blount vice C H Alexander  
 Johnson—S A Carpenter vice J C Barnes  
 " George W Hutchinson  
 " William C Magee  
 Kaufman—R H English vice J T Royal  
 " H B Shephard, an original appointment  
 " Jasper W Johnson vice C W Edgeworth  
 Kerr—Ernest Altgelt, an original appointment  
 " H M Burney  
 " C C Quinlan vice J D Buchanan  
 Lamar—Thomas H Skidmore vice J McCarty  
 La Vaca—H K Judd vice J J Bullard  
 " Marmaduke K Box, reappointed  
 Leon—Ephraim C Driskills  
 Liberty—John W Stephens vice H M Farrier  
 " P L Palmer vice C Bryan  
 Llano—G W Barber, an original appointment  
 McLennan—E A McKenney vice Richard Coke  
 Madison—J W Hackett, an original appointment  
 Marion—W P Saufly " "  
 " D Campbell " "  
 " William M Freeman " "  
 Matagorda—Albert Wadsworth  
 Medina—G H Noonan, reappointed  
 " B J Brice vice J W Van Slyck  
 Montgomery—Lem G Clepper  
 " Charles L S Jones vice L L Bradbury  
 Nacogdoches—M W Bush vice Wm R Anderson  
 " John R Clute vice Wm Castles  
 " W W Barrett vice Charles S Taylor  
 Navarro—L T Wheeler  
 Nueces—O H P Anderson vice Charles Lovenskiold  
 Panola—Henderson Fyke  
 " John M Vawter  
 " William C Lyons  
 Polk—Daniel L Jagers, an original appointment  
 " J W Moore vice H B Fontaine

## FOR THE COUNTY OF

Polk—John Mann, an original appointment

" R T Walker vice Robert Hooker

" Harper Copeland

Parker—John H Phelps vice R A Eddleman

" John F Paschall vice John Francis

Palo Pinto—Sam A Oxford vice B F Walker

Red River—N C Gould vice Thos. J Crooks

" Francis M Sims

" John Beaty

" Wiley W Giddens

Refugio: Alfred M Hobby vice C K Stribling

Robertson: J C C Brettett vice D H Stokes

" D U Barziza vice P A Barziza

" Isaac Lloyd vice J H Heeney

San Saba—George B Cooke

" M A Wadsworth

Smith—Rufus R Collier, reappointed

" Joseph L McKey, "

" Samuel Pinkerton, an original appointment

" Benjamin Branden " "

" D F Bancroft vice J W Chancey

Starr—Noah Cox

" A M Sanders

" John P Kelsey

" John Vale

Titus—E G Rogers, reappointed

Travis—A B McGill vice Thos E Sned

Tarrant—John W Oliver vice J W Smith

Victoria—J J Kendrick, an original appointment

" John H McClanahan vice C L Thurmond

Washington—John Alexander vice T B Haynes

Williamson—Charles Babcock vice J C Caskey

Wilson—John Sutherland

Wood—J C Wright

" A Baird

Wise—John M McCulloch vice J D Robinson

On motion of Mr. Potter, the nominations were laid on the table until the 5th instant.

FRIDAY, April 5, 1861.

The nominations contained in the first of the preceding lists

sent in on yesterday, were taken up, and unanimously confirmed.

The appointments made by Governor Houston, and sent in for confirmation by Governor Clark, were taken up.

On motion of Mr. Stockdale, the nomination of Henry Beaumont, for Calhoun county, and that of J. W. Allen, for Jackson county, were laid on the table.

On motion of Mr. Scarborough, the nomination of William Stalsworth, for Cameron county, was laid on the table.

On motion of Mr. Neal, the nomination of O. H. P. Anderson, for Nueces county, was laid on the table.

On motion of Mr. Shepard, the nomination of John Alexander, for Washington county, was laid on the table.

The balance of the nominations were confirmed by a unanimous vote.

---

SATURDAY, April 6, 1861.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT, }  
AUSTIN, April 6, 1861. }

To the Honorable Senate:

I respectfully submit, for your advice and consent, the accompanying additional appointments of Notaries Public.

EDWARD CLARK.

For Blanco county: Seaman Field, an original appointment.

" Washington county: G W Campbell, an original appointment

      "

T B Haynes, reappointed

" " B F Rucker, "

On motion of Mr. Shepard, the nominations were confirmed, unanimously.

---

MONDAY, April 8, 1861.

The following message was received from the Governor:

EXECUTIVE OFFICE, }  
AUSTIN, April 8, 1861. }

To the Honorable the Senate of Texas:

I submit, for your consideration, the following appointments of Notaries Public:

For Clay county: H K Vallentine, an original appointment.

" Leon " J J Bell " "

" " " H M Cook " "

EDWARD CLARK.

The nominations were confirmed, by a unanimous vote.

# INDEX TO SENATE JOURNALS.

---

## A

- Adjournment Resolution 153, 185, 200  
Admiralty Court, Joint Resolution in relation to the establishment of an 146, 176, 182  
Air Line Railroad Company, bill for relief of 542, 44, 53 60  
Alamo Ditch, bill concerning 197, 201  
Allen, R T P, memorial of 41  
Anderson, William H, bill granting a pension to 115, 119, 120, 122, 135  
Anderson county, bill to authorize the County Court of, to levy and collect a special tax 133, 141, 145  
Apportionment of Representatives in the Congress of the Confederate States, bill making an 163, 167, 169, 171, 177, 181  
Appropriation for the mileage and per diem of the members and officers of the extra session of the Eighth Legislature, bill making an 40, 41  
Appropriation to pay for supplies furnished the troops now on the frontier, bill making an 48, 52, 89, 107  
Appropriations for the protection of the frontier, and for paying for former expenditures, bill making 52  
Appropriation to pay for mules furnished the military service of the State, bill making 116, 150  
Appropriation for the mileage and per diem pay of the members and officers of the adjourned session of the Eighth Legislature, bill making an 163, 167, 169, 171, 172, 177, 181  
Appropriation for the subsistence and transportation of supplies for the regiment ordered to be raised by an Ordinance of the Convention 178, 199, 200  
Appropriation to supply deficiencies for the year 1861, bill making 199

Asylums for the Lunatic, Deaf and Dumb, and Blind, bill to establish certain regulations for the man- agement of	149, 168, 178, 181, 185, 196
Attorneys and Counselors-at-law, bill to amend the first section of an act of May 12, 1846, to regu- late the license and practice of, etc, 117, 119, 121, 132, 140	
Austin City lots, bill to authorize the sale of the re- mainder of	170, 188

**B**

Barnard George, petition of	48, 83, 95
Barklay, B F, Greenup Wm, and W C Trimble, peti- tion of	45, 53, 67
Baylor University, bill to prohibit the sale of intoxica- ting liquors within three miles of	197, 200
Bell and Milam counties, bill to define the lines of	139, 141, 145, 154, 166
Benge Ware, bill for relief of	112, 144, 173
Blanco and Kerr counties, petition of citizens of	48, 83, 95
Bogart, Hon. Sam, Resolutions on the death of	190, 191, 193
Brazos river, bill to extend the time for completing the improvement of the	151, 162, 173
Britton, Hon Forbes, resolutions on death of	114

**C**

Capitol, joint resolution with regard to the roofing of the	62, 63, 74, 76
Cass county, petition of county court of	53
Clark, Charles, bill for relief of	38, 83, 95
Claims for money against the State, bill to allow the holders of to take lands in lieu thereof	49, 51, 54, 59, 63, 66, 74, 75, 84, 85
Columbus, San Antonio and Rio Grande Railroad Company, bill to amend an act entitled, an act to amend an act to incorporate	38, 42, 43, 47, 53, 60
Columbus Tap Railway Company, bill to amend an act to incorporate	114, 115, 118, 121, 183, 196
Columbus Lodge, No. 51, I O O F, bill to incorpo- rate	143, 144, 173, 183
Cockrill, Mrs. Sarah, petition of	123
Commissioners to a Convention of Southern States, to be held in the city of Montgomery, Alabama, in the month of February, joint resolution for the election of	37

Commissioner of the General Land Office, bill to regulate the duties of, and to define the duties of clerks and employees therein	73, 83, 90
Commissioner of the General Land Office, bill to amend an act to authorize the, to issue patents upon surveys heretofore made not in the form required by law	136, 166, 187, 196
Commissioner of the General Land Office, bill requiring the, to procure all papers, in this State, relating to land titles issued either by Spain or Mexico, and to have them filed in the General Land Office	152, 175
Commissioner of Boundary Survey, bill to authorize the, to draw the pay of clerk of said survey	154, 160, 187
Commission merchants, factors and others, bill prescribing the duties and obligations of	140, 161, 187
Commissioners to ascertain losses by Indian depredations, bill to pay	146
Comptroller, communication from, in relation to the finances	136
Common schools, bill to amend the ninth section of an act concerning	142
Convention of the People, joint resolution validating the acts of the, to be held in the city of Austin, on January 28, 1861, and providing for the pay of members thereof	37
Convention of the People of Texas, bill providing for the election of delegates to a general	37
Convention of the People, joint resolution concerning the	49, 50, 60
Convention, bill to fix the compensation of members and officers of the	84, 99, 111
Convention, bill to prescribe the pay and mileage of the members and officers of the, and to make an appropriation for the same	120, 122, 123
Convention, bill supplemental to an act making an appropriation to pay the expenses of	125, 132, 135
Convention of the People, bill providing means for the payment of certain debts created by authority of the late	143, 145, 156, 165, 197, 200
Convention, bill supplemental to an act supplemental to an act making an appropriation for the per diem pay of the members of the	149, 151, 152, 170, 193
Convention, bill to provide for printing the journals of	187

Convention of Border States, joint resolution to send delegates to the	41
County courts, bill to amend an act authorizing and requiring, to regulate roads, apoint oversees etc	112, 130, 135
County courts of the several counties, bill to author- ize the, to transfer portions of the jury fund to the general county fund	118, 119, 121, 163, 166
County courts of Nacogdoches and other counties, bill to authorize the, to regulate the pay of sheriffs in certain cases	154, 164, 169, 178, 182, 185, 198
County surveyors, bill to repeal the joint resolution concerning, approved December 29, 1837	116, 122
Court of claims, bill to amend an act to reorganize the, and to extend the time for the presentation of claims for land	54, 83, 95
Crockett, memorial of citizens of the town of	113, 115, 121, 197, 199
Cummings, John A, bill for relief of	106

**D**

Dallas bridge company, bill supplementary to, and amendatory of, an act to incorporate	113, 123
Davis Nathan, bill for relief of	124, 174
Descent and distribution of intestate estates, bill to amend the third section of an act to regulate the	77, 84, 87, 91, 107
Delegates now assembled in Convention, joint resolu- tion to provide for the payment of	61, 63, 67
Digest of the laws of Texas, bill to amend article 1116, page 260, of the	68, 72, 85
Dispatches to Washington city, bill for the payment of expenses of bearer of	40, 46, 52, 90, 99, 107
District court, bill to amend section 12 of an act con- cerning proceedings in	69, 71, 87, 96, 97, 103, 106, 108, 124, 173, 76
District court, bill further regulating proceedings in the	114, 115, 121, 132, 140
District Courts, bill to amend sections 71 and 92 of an act to regulate proceedings in	140, 142, 151, 152, 181, 196
District attorney for Smith county, bill authorizing the election of	124, 189
District Judges, bill concerning contested elections of	127, 135, 170, 174

Dulaney, H P C, Senator from fourteenth district, took his seat

49

**E**

- Eastern Texas Railroad Company, bill concerning 49, 74, 85, 96  
 Edwards, petition of citizens of county of 128, 130  
 Edwards, bill to attach the county of to the county of  
     Uvalde for Judicial and other purposes, 130, 136, 163, 166  
 Electors of President and Vice President of the United  
     States, bill to amend the act of March 15, 1848,  
         relative to the election of 197, 198, 200  
 Estates of deceased persons, bill regulating the settle-  
     ment of 53, 73, 87  
 Estrays, bill supplemental to an act to regu-  
     late 54, 55, 59, 67, 74, 76  
 Estrays, bill supplemental to an act supplemental to an  
     act to regulate, approved February —  
         1861, 113, 114, 117, 134, 136, 178, 193  
 Eubanks, Wm, assignee of Simon Clements, bill for  
     relief of 198, 199, 200  
 Everett, Samuel, petition of 124, 161, 172  
 Executions, bill supplemental to an act to reduce into  
     one, and to amend the several acts concerning,  
     passed January 27, 1842, 119, 121, 128, 140, 143, 146, 150

**F**

- Federal courts of the United States of America, in the  
     State of Texas, bill to provide for the transfer of  
     all the record books, papers and causes of, to the  
     appropriate courts of the State 65  
 Ferries, bill to amend an act to regulate 122, 169, 187  
 Finney, Charles, bill for relief of 118  
 Flanagan, James W and his associates, bill to author-  
     ize, to construct a bridge across the Sabine river 113  
 Forced sales, bill to postpone 96, 99, 104, 105, 112  
 Forced sales, bill concerning 113  
 Forced sales of property under execution, by sheriffs  
     and other officers, bill to regulate 116, 121  
 Forshey, C G, communication from 75  
 Frontier, protection, bill making appropriation for, and  
     for paying former expenditures for 52  
 Frontier protection, bill to supply deficiencies in former  
     appropriations for, and to provide for future ex-  
     penses for 142, 144, 147, 170, 174

Frontier of Texas, bill to provide for the protection of	61, 62, 66, 70, 71
Frontier, joint resolution construing a part of the act for the protection of	62
Foundries in Texas, joint resolution concerning	187, 200
Funds in the Treasury, bill directing how certain shall be applied	48, 52, 54

**G**

Galveston Seminary, bill to incorporate	113, 115, 118, 121
Galveston Turner's Association, bill to incorporate	113, 115, 118, 121
Galveston and Houston Junction Railroad Company, bill to incorporate the	63, 75, 85, 139, 147, 170, 197, 200
Ganahl, Charles, bill for relief of	154, 163, 169, 175, 194
General Land Office, bill to reduce the expenditures on account of, and to regulate the fees and manner of conducting the same	151, 173
Geological survey of the State, joint resolution suspending the, and dispensing with the employees therein	60, 67, 69, 70, 197, 199, 200
Goliad and Victoria, bill to change the boundary line between the counties of	163, 174
Governor's message	6
Governor's message, transmitting resolutions adopted by the Legislature of Tennessee	57, 58, 59
Governor's message in relation to the finances	77, 90
Grimes, Jesse, resignation of the office of President <i>pro tem.</i> of the Senate	141
Grimes, Jesse, resolution complimenting	198
Guinn, Senator, elected President <i>pro tem.</i>	141

**H**

Hamilton, John R and wife, petition of	114, 131, 136
Harrison county, memorial of citizens of	67
Haynie, Swisher and Doyle, bill appropriating the sum of \$2,500 for the payment of	73, 83, 99, 103, 108
Hays county, bill requiring public sales in, to be made on the square in the town of San Marcos,	176, 183, 196
Hidalgo county, bill to change the name of the county seat of	64, 67, 85, 96
Hollingsworth, S P, bill to refund to, money advanced by him for the State and for services rendered	129, 134, 176, 180, 188

Homestead, not in a town or city, bill to define the	114, 131, 135
Hopkins county, bill to define the boundary of	134, 138, 149, 173
Houston and Texas Central Railroad Company, bill for relief of	5, 42, 44, 47, 53, 57, 60, 61, 65, 68, 69, 76
Houston and Texas Central Railroad Company, joint resolution authorizing the Governor to appoint commissioners to examine into the affairs of the	178, 180, 183, 196
Houston, Trinity and Tyler Railroad Company, bill supplementary to an act to incorpo- rate	38, 42, 43, 47, 53, 57, 63
Houston Tap and Brazoria Railroad Company, bill for relief of	43, 47, 53, 60
Houston Cotton Press Company, bill to incorpo- rate	174, 185, 196

**I**

Insurance companies, and agencies not chartered in this State, bill requiring, to take out license and to secure the risks taken by them	118, 189
Instruments of record, bill prescribing the manner of authenticating	154, 164, 170, 193
Interest arising on loans to Railroad Companies, bill authorizing the Governor to extend the time of payment of	170, 174, 183

**J**

Jones, Wm H, administrator of Lorenzo de Zavalla, memorial of	5
James Martin, bill for relief of	112, 145, 153
James Simon, petition of	113
Judgments from becoming dormant, bill to repeal sec- tions 2, 3 and 4, of an act to prevent, and to pre- serve judgment liens	69
Judicial District, Twentieth, bill to give additional time for holding the courts in, and to change the time of holding courts in certain counties in said district	5, 39, 46, 47, 51
Judicial District, Nineteenth, bill to define the time of holding courts in	38, 42 63
Judicial District, Seventeenth, bill to define the time of holding courts in	51, 59, 64, 65, 72, 85, 107
Judicial District, Eighteenth, bill to reorganize and regulate the time of holding courts therein	52, 60

Judicial District, Ninth, bill changing the time of holding courts in	54, 59, 60, 61 112
Judicial District, Eighth and Twentieth, bill to reorganize the, and to define the times of holding the courts	69, 72, 99, 107
Judicial District, Twenty-first, bill to create	127, 189
Judicial District, Seventh, bill to fix the time of holding the courts in	133, 134, 140, 143
Judicial District, Fifteenth, bill to amend the second section of an act to reorganize the, and regulate the time of holding courts therein	133, 134, 140, 146
Jurors, selection of, bill to amend article 1049, section 4, of the law relating to	53, 151, 175
Juries, bill to amend sections 4, 6, 7, 8, and 10, of an act passed February 13, 1858, entitled an act amendatory of an act regulating, approved May 4, 1840	185
Justice's Courts, bill to amend an act to organize, and define the powers and jurisdiction of the same	71, 86, 95, 96, 107
Justice's Courts, bill to amend an act to amend an act to organize, and define the powers and jurisdiction of the same, approved February 7, 1861	179, 199, 201

**K**

Kansas Affairs, Joint Resolution, repealing the Joint Resolution in response to the Governor's message on, approved February 17, 1858	6, 41
Kaufman, bill supplementary to, and amendatory of, an act to create the county of	154, 164, 169, 173, 194
Kinney, M M, memorial of	64

**L**

Lands ceded to the United States for Indian purposes, by act of the Legislature, approved February 6, 1854, bill to provide for the sale of	39, 83, 98, 118, 142, 161, 167
Lands, bill reserving from sale or location, certain	96, 98, 112
Laux, Jacob, bill legalizing the colony certificate of	126, 199, 200
La Vaca Wharf Company bill to incorporate	
rate	41, 49, 54, 60, 76, 90
Lea, Pryor, memorial of, concerning extradition	143, 144, 188
Legal process after judgment, bill to suspend	154

Linney, Charles and James Adams, bill for relief of Loan, bill authorizing a, and imposing a specific tax to meet the principal and interest, and specifying how the money shall be appro- priated . . . . .	161, 188 147, 156, 157, 158, 165, 175, 193
Long, Samuel J W, and others, petition of, praying relief from forced sales	111
Lunatic Asylum, Report of Superintendent of	55
Lyon, Henry, petition of	53, 73, 85

**M**

McGehee, Thomas G, petition of	120
McKinney and East Fork Bridge Company, bill to in- corporate	127
McMullen county, bill to define the boundaries of	170, 195
Manufactories in Texas, bill to encourage the estab- lishment of	96, 116, 147, 154, 155, 156, 164, 175, 194
Maritime and admiralty jurisdiction, bill conferring, in the district courts of the State	61
Marion, Cass and Titus, bill for running the county lines between the counties of,	65, 113, 116, 154, 166
Marshall, John, bill to pay for certain services	103, 106, 128 132, 140
Marshall, John, joint resolution to pay, \$2,500 00 for printing Appendix to Gazette,	107
Mattock, W R., and others, memorial of, praying for arms and equipments,	111
McHenry, William and others, memorial of praying a donation of a site for divine worship,	111, 138
Memphis, El Paso and Pacific Railroad Company, bill amendatory of, and supplemental to an act to in- corporate,	99, 100, 102, 104, 106, 107, 108
Miller, Hon S A., took his seat,	3, 5, 6
Militia of the State of Texas, bill supplementary to an act to provide for the organization of,	61
Militia of the State of Texas, bill to repeal an act to provide for the organization of,	73
Minute men, bill to appropriate money, to pay for ser- vices on the frontier,	99, 100, 103
Money due by the United States, to the State of Tex- as, bill in relation to the procurement of,	5, 42
Montgomery county, memorial and proceedings of citi- zens of,	5, 51
Morris, George W., petition of,	128, 138, 149

Mount Pleasant, in Titus county, bill to incorporate the town of,	64, 189
Mudget, Myram, Daniel Kitchings, A. L. Spencer and E. G. Cantwell, bill supplemental to an act for the relief of,	64; 73, 85, 91, 107

**N**

Navarro, Angel, bill for relief of,	96, 100, 101, 103, 107
Neal, Hon B F., Senator from 19th District took his seat,	110, 112
Nueces, San Patricio and Bee counties, petition of citizens of,	49, 52

**O**

Officers of State, and Clerks, bill to regulate the salaries of certain, and to reduce the number of clerkships in the Comptroller's office, and to arrange the same, and to abolish the allowance for contingent fund,	151, 168 171, 172, 197, 200
Ordinance of Secession, bill to provide for submitting to a vote of the people the,	63, 67, 74, 103, 105, 106, 109
Ordinance of secession, bill supplemental to an act to provide for submitting to a vote of the people, the,	103, 105, 106, 109
Ordinances of the Convention, joint resolution recognizing as the organic law, the,	198
Ordinance of the Convention in relation to Custom House Officers and Customs revenue,	142, 144, 153

**P**

Panola county, petition of citizens of,	117
Parker, Cynthia Ann, bill granting a pension to,	132, 144, 176 194
Parker, Cynthia Ann, and her daughter To-Kusan Parker, bill donating land to,	132, 144, 177, 183, 196
Paschal, Senator, resignation of,	137
Patents from being issued until the patent fees and all land dues are paid, bill to prevent,	127, 131, 136
Penal Code, bill to amend the 7th chapter of the	179
Plaster, Capt Thomas P., joint resolution authorizing the payment of the salary of the late, to D. C. Dickson,	153, 164, 174
Plaster, Thomas P., resolutions on death of,	133

Pilots, bill supplemental to an act providing for the appointment of,	103, 105, 109
Police regulations in respect to slaves, bill prescribing,	65, 76 131, 135
Port Sullivan Railroad Company, bill to incorporate,	62, 68, 74
Pre-emption field notes, bill to extend the time for the return of,	65, 73, 76, 85, 96
Pre-emption privileges, bill granting to certain persons therein named,	132, 194
Presidential electors, bill making an appropriation for mileage and per diem pay of,	42, 43
Prima facie evidence in certain cases in suits brought by the State, bill providing what shall be sufficient,	40, 41, 47 69, 76
Pridgeon, H McBride, petition of,	114

**R**

Railroads in Texas, bill for relief of,	42, 44, 47
Railroads, bill to modify the provisions of an act of 30th January, 1854, granting lands to,	134
Railroad Companies, bill to amend the 10th section of an act supplementary to an act to regulate approved February 7th, 1853, &c.,	69, 71, 75, 90
Railroad Companies, bill to authorize the Governor to grant relief to certain,	171
Railroad Certificates, bill to extend time for the survey of,	90, 96, 107
Revenue Cutter Dodge, joint resolution in relation to,	146, 147, 151 153, 156
Revenue by taxation, bill to amend the act amendatory of the laws to raise, approved February 16th, 1858,	153, 164, 169, 177, 201
Rice, William, petition of,	120, 138, 149
RESOLUTIONS OF THE SENATE.	
Resolution by Mr. Potter, in relation to the duties of Enrolling clerk,	5
Resolution by Mr. Potter, in relation to an increase in taxation,	64
Resolution by Mr. Lott, instructing the committee on the Judiciary to enquire into the expediency of passing a stay law,	5
Resolution by Mr. Erath, that the committee on Indian Affairs act jointly with any committee appointed by the House for the protection of the frontier,	37

Resolution by Mr. Erath, that the Finance committee enquire what amount of funds may be used from unexpended appropriations on deposite in the Treasury, &c., &c.	46, 48
Resolution by Mr. Erath, that the committee on apportionment prepare and report a bill to apportion the State for Representation in Congress of the Confederate States.	127, 128, 129
Resloution by Mr. Whaley, that the committee on the Militia enquire into, and report where in the Militia law is defective, and what amount of money will be required for the purchase of arms, &c., &c.	28, 80
Resolution by Mr. Throckmorton, that 2500 copies of the Governor's message and accompanying documents be printed for the use of the Senate,	39
Resolution by Mr. Throckmorton, that the committee on Public Buildings enquire into the contract made for roofing the Capitol, &c., &c.	39, 62
Besolution by Mr. Throckmorton, that a joint committee of three from the Senate and five from the House, be raised for the purpose of examining into the propriety of reducing the expenditures of the State Government,	119, 125, 160, 189
Resolution by Mr. Parsons, that the committee on printing contract for ten copies of each weekly issue of the State Gazette and Intelligencer for each Senator,	39
Resolution by Mr. Miller, that the committee on printing contract for twenty copies of the weekly issue of the State Gazette for each Senator,	40
Resolution by Mr. Miller, that the Judicicary committee enquire into the expediency of so amending the laws as to provide the service of all citizens, and process in civil cases by leaving copies at the residence of the defendant.	125
Resolution by Mr. Guinn, that the Judiciary committee enquire into the expediency of amending the Penal Code relative to tampering, by white, men with slaves, &c., &c.	40
Resolution by Mr. Guinn, that the Senate will not entertain any business of a private or local nature at the present session,	51
Resolution by Mr. Blanch, that the committee on Finance enquire into the expediency of revising the tax law, &c.	41

Resolution by Mr. Blanch, that the committee on State Affairs enquire into the expediency of changing the existing law regulating the appointment of Physician of Lunatic Asylum, Superintendent of Deaf and Dumb Asylum, and of State Geologist,	46
Resolution by Mr. Blanch, in relation to the oath to be taken by the members and officers of the Senate,	110
Resolution by Mr. Quinn, that Hon E B Scarborough and other Senators be allowed pay from the first day of the session, &c.	102
Resolution by Mr Quinan, that a committee of five from the Senate and seven from the House be appointed to enquire and report whether any, and what measures are necessary in the present state of our Federal relations for the security of the school fund invested in United States Bonds,	47
Resolution by Mr. Quinan, relative to adjournment,	83
Resolution by Mr. Quinan, that the Comptroller furnish a statement of the condition of the Treasury &c.,	127, 137
Resolution by Mr. Walker, in relation to the propriety of passing a law to authorize the issuance of a duplicate for any land certificate, scrip or other evidence of title to land, that may be lost when any part owner of the same may apply,	60, 72, 86
Resolution by Mr. Walker, that the committee on Finance take into consideration the propriety of reducing the number of officers, and also the salaries and fees of the officers of the State,	116
Resolution by Mr. Walker, that a joint committee be appointed to enquire into the manner of conducting the affairs and expenditures of certain offices and Institutions,	131, 132
Resolution by Mr. Walker, relative to the refusal of the Legislature to legislate on private business,	139
Resolution by Mr. Hyde, that the Secretary of the Senate be allowed ten days to file the papers and index the Journal of the Senate,	107
Resolution by Mr. Hyde, that Senator Pitts and all other Senators be allowed pay from the commencement of the session,	201

Resolution by Mr. Fall, that the committee on the Land Office enquire into the necessity of having all documents relating to lands or land titles that are now at different points in the State, removed to, and deposited in the General Land Office,	116
Resolution by Mr. Fall, that the Judiciary committee enquire into the expediency of passing a law to punish slaves for selling or giving spirituous liquors to slaves or other persons,	153
Resolution by Mr. Chambers, that the committee on Public Lands take into consideration, the propriety of placing in market the alternate sections of land reserved by the State out of the lands surveyed by Railroad Companies,	129, 133, 139
Resolution by Mr. Stockdale, in relation to the printing of the Constitution of the State as amended together with the ordinances of the Convention, &c,	139

## S

Sabine and Rio Grande Railroad Company, bill supplementary to an act to incorporate,	84
Sampson & Henricks, assignees of W. R. S. Rondeau, bill for relief of,	132, 138
San Antonio and Mexican Gulf Railroad Company, bill supplemental to and amendatory of an act to incorporate the, approved September 5th 1850, and supplemental to and amendatory of the above recited act,	42, 44, 47, 53
Saunders, J H., bill to enable the guardian of Webster J. Saunders, to remove the property of his ward from the State,	134, 142, 149, 199, 201
School Fund, bill providing for the sale of a portion of the bonds constituting the special,	65, 85, 95, 102, 111
School Fund derivable from taxation under the provisions of the Constitution, bill in relation to,	124, 129, 130
	132, 135, 176, 181
School Fund, bill supplementary to, and amendatory of an act to amend the 4th section of an act to provide for the investment of special, in bonds of Railroad Companies incorporated by the State, passed August 13, 1856, approved February 22, 1858,	151, 162

School Fund, bill supplementary to the act to provide for the investment of the special, in the bonds of Railroad Companies incorporated by the State, passed August 13, 1856,	151, 158
Settlers, bill granting land to actual,	73, 75, 86, 91, 95, 100
Sherman Odd Fellows Female Institute, bill to incor- porate,	116, 126
Slaves, bill preventing the emancipation of,	77, 84, 124, 129
Slaves bill providing for the disposition of runaway,	148, 160 187, 200
Southern Pacific Railroad Company, bill for the relief of,	64, 68, 71, 85, 96
Southern Cotton Press and Manufacturing Company, bill to amend the 2nd and 3rd sections of an act to incorporate the,	112, 115, 121
Spading, R W., petition of,	39, 83, 95
State State Telegraph Company, bill to incorporate the	182, 184, 197, 199
State Bonds, bill authorize the issuance and sale of, in case of invasion of the State or necessity for fron- tier protection,	89, 90
Supreme Court, bill to require the Judges of, to decide causes in the order in which they are argued and at the term at which they are argued,	85, 91, 96

**T**

Tarrant County, petition of citizens of, in reference to a change of venue in certain cases,	111, 153
Taxes, bill to amend an act to amend the 4th, 7th, 8th, 15th, 18th and 34th sections of an act to provide for the assessment and collection of,	88, 89, 111, 154, 164 169, 171, 174, 179, 180, 183, 197
Terrell, E S., petition of,	48, 83, 95
Texas and New Orleans Railroad Company, bill for the relief of,	62, 68, 70, 76, 90
Texas and New Orleans Railroad, joint resolution con- cerning,	96, 100, 100
Texas Baptist University, bill to incorporate the,	124, 125, 126 183, 196
Texas and Arizona Mining and Transportation Com- pany, bill to incorporate the,	165, 178, 183
Thomas, Rev. W., elected Chaplain,	4
Titus County, petition of citizens of,	69, 123
Titus County, petition of citizens of, in reference to the jury fund of said county,	113, 117

- |  |                  |
|--|------------------|
| Treasury Warrants, bill authorizing, to be received in payment of certain dues,                    | 87, 88, 90, 107  |
| Treasury Warrants, receivable for taxes and all government dues, bill authorizing the issuance of, | 89, 93, 104, 106 |
| Treasury Warrants issued to William Fitzhugh, bill to provide for the redemption of,               | 163, 183, 193    |
| Trimble, William C., and others, petition of,  | 44, 53, 67       |
| Trinity Valley Railroad Company, bill for relief of,   | 85, 87, 96       |
| Tucker, Milton T., petition of,  | 113              |
| Twiggs, Brigadier General David E., joint resolution concerning,                                   | 176, 180, 194    |
| Tyler County, petition of citizens of, for the relief of the Sheriff of said county,               | 146, 16, 187     |

U

- |   |                            |
|---|----------------------------|
| Uvalde Irrigation Company, bill to incorporate the  | 61, 67, 74<br>80, 103, 109 |
| United States indemnity bonds, joint resolution authorizing the Comptroller to sell \$150,000 of,   | 83, 95, 101, 112           |
| United States District Court, joint resolution concerning the records of the late,  | 140, 142, 149, 150, .88    |
| University lands, bill to appropriate the money arising from the, for the purchase of supplies and ammunition for the troops on the frontier, | 38, 52                     |
| University lands, bill directing how the proceeds of the sale of the, shall be applied,   | .42                        |
| Urguhart, Allen and Albert Johnson, memorial of, in reference to the certificates of the Buffalo Bayou, Brazos and Colorado Railroad Company, | 111, 132, 139              |

V

- Venue in the case of the State vs. A. G. Walker, bill  
providing for a change of, 162, 183, 196  
Volunteers, bill to organize three regiments of, 83, 100, 112

w

- Waller, Hiram B., bill requiring the Board of Auditors  
of debts incurred by authority of the Convention,  
to audit the claims of, 140, 141, 149  
Washington county, memorial of citizens of, 5  
Washington county Railroad, bill extending the time  
for the completion of, 77, 84, 96

Wichita, Wilbarger, Hardeman and Greer, bill to attach to the county of Clay, the counties of, so as to form one land district,	115, 129, 131, 135, 155, 166
Williams, Capt. John, bill providing for the settlement of the claims of minute men who served during the years 1858 and 1859 under,	102, 124, 129, 142, 143
Wilson county, bill to attach, to the 18th Judicial District, and to amend an act to provide for hold- ing courts in said District,	41, 74
Wilson, Rev. James C., resolution on death of,	120
Wood county, petition of citizens of,	117, 119









